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ABSTRACT

This document comprises the testimony, prepared statements, letters, and supplementary materials presented at a hearing before the House Committee on Education and Labor on the implementation of the Immigration Reform and Control Act of 1986 and its impact on the ability of the states to provide basic services to the newly legalized alien population. Among the issues addressed are the following: (1) what is the ability of the educational system to meet the needs of not only the newly legalized children, but of the adult population as well; and (2) how can regulations for administering grants to reimburse the states for the costs of providing additional resources to legalized aliens be improved to ensure a fair and equitable distribution of the billion dollars of federal funds appropriated for this purpose? Most of the individuals who testified are education professionals working in locations with a high proportion of immigrant and non-English speaking students. (BJV)

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HEARING TO REVIEW ISSUES RELATING TO IMMIGRATION AND EDUCATION

HEARING

BEFORE THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

FIRST SESSION

HEARING HELD IN LOS ANGELES, CA, SEPTEMBER 28, 1987

Serial No. 100-54

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HEARING TO REVIEW ISSUES RELATING TO IMMIGRATION AND EDUCATION

MONDAY, SEPTEMBER 28, 1987

House of Representatives,
Committee on Education and Labor,
Los Angeles, CA.

The committee met, pursuant to notice, at 9:14 a.m., in the Manfred E. Evans Community Adult School, 717 North Figueroa Street, Los Angeles, California, Hon. Augustus F. Hawkins, Chairman, presiding.

Majority members present. Representatives Hawkins and Martinez.

Staff present. Ricardo Martinez, legislative analyst; Karen Vagley, associate counsel; Jo-Marie St. Martin, assistant education counsel; and Pat Benson Duldulao, special assistant to Chairman Hawkins.

Chairman Hawkins. Ladies and gentlemen, can you hear us? If not, just wave your hand, and we'll try to speak louder.

The Full Committee on Education and Labor is meeting today in Los Angeles for the first in a series of hearings on the implementation of the Immigration Reform and Control Act of 1986, and its impact on the ability of the states to provide basic services to the newly legalized alien population. It is appropriate that the State of California, having the greatest number of eligible applicants for the new amnesty program, would be also the host for this first hearing, as it will also be the state whose services and institutions will be the most strained under these new regulations and responsibilities. We are here today to learn first-hand from you the extent of this impact, particularly focusing on the ability of our educational system to meet the needs of not only the newly legalized child, but to meet the needs of the adult population, as well.

The Committee, of which I am the Chair, has continuously played a key role in the formulation of this legislation, and from the beginning, our Committee has recognized that any major amnesty program, particularly one which included an eligibility disqualification from federal assistance would severely impact on the State's capacity to provide very basic, but vital services to these individuals.

We have felt from the very beginning, rather strongly, that if this measure were to be adopted, and there were some of us who were not sure about the measure itself, that it should include a substantial amount of federal money to reimburse the states for the costs of providing these additional services.

I, myself, was terribly concerned over the ability of our local education agencies to meet these demands without seriously diluting our current services. And I've worked, as has my full Committee, and particularly Mr. Martinez on the full Committee, particularly also my friend and ranking Republican colleague, Congressman Goodling, and it was largely one of his amendments that provided much of the early debate and it was also the Chairman of the Subcommittee, Mr. Martinez, who amended the Goodling amendment, who created a greater priority for education in the new bill.

As I'm sure most of you know, the statute created state legalization impact assistance grants for the purposes of distributing these new monies to the states, and provided, as well, an appropriation of a billion dollars a year to fund these grants. This problem, itself, led to a great controversy between the House as the House Bill was amended by this Committee and the Senate as the Senate Block grant approach was on the opposite end of this debate. It was the distribution of this money, based on a formula which takes into consideration the number of eligible legalized aliens that created the opposition of the Senate, and this was settled in Committee, with the combination of the two approaches.

This, as you well know, and I suppose this is part of the problem when we created a billion dollar amount to be distributed in an impact formula, and this has resulted in a fight among several different areas of government, education, public assistance, and public health.

The problem of the Health and Human Services, the department given the Federal responsibility for administering these grants, has recently issued preliminary regulations. And I don't need to remind you of that, because that seems to have created among many of you a great concern. We want you, however, to know, that this Committee is greatly concerned over these regulations, and we are currently involved in not only asking that they be withheld until clarified according to the intent of the law, but that some of the misinterpretations in the regulations be clarified. We intend to use this hearing and the ones that follow, just as many as may be necessary, as a means of measuring the impact of the Immigration Reform and Control Act, generally, but also to focus on how we can improve these regulations so as to achieve and enforce a fair and equitable distribution of these funds, not only between the States, but between the three approved spending areas..

The Chair would like to recognize, at this time, the Subcommittee Chairman on Employment Opportunities who was heavily involved in this legislation with a statement which he may care to make at this time. Mr. Martinez?

[The prepared statement of Hon. Augustus F. Hawkins follows:]

STATEMENT

OF

AUGUSTUS F. HAWKINS, CHAIRMAN

COMMITTEE ON EDUCATION AND LABOR

The Full Committee on Education and Labor convenes today for the first in a series of hearings on the implementation of the Immigration Reform and Control Act of 1986, and its impact on the ability of the States to provide basic services to the newly legalized alien population. It is appropriate that the State of California, having the greatest number of eligible applicants for the new amnesty program, host this first hearing as it will also be the State whose services and institutions will be the most strained under these new responsibilities. We are here today to learn first hand the extent of this impact, particularly focusing on the ability of our educational system to meet the needs of not only the newly legalized child but to meet the needs of the adult population as well.

The Committee on Education and Labor, of which I am the Chair, has continuously played a key role in the formulation of this legislation. From the beginning of this effort, our Committee has recognized that any major amnesty program, particularly one which included an eligibility disqualification from federal assistance, would severely impact on the States capacity to provide very basic but vital services to these individuals. We felt very strongly that if this measure were to be adopted it must include a substantial amount of additional federal money to reimburse the States for the costs of providing these additional services.

I was terribly concerned over the ability of our local educational agencies to meet these new demands without seriously diluting our current services. I have personally worked, as has my full committee, particularly my good friends and colleagues Congressman Goodling, a ranking Republican member of the Committee, and the Chairman of

-MORE-

the Employment Opportunities Subcommittee, Congressman Martinez, to see that new monies were not only provided to the States but that education programs as well as the programs for health, and general welfare were guaranteed a major protion of these state allocations.

As I am sure most of you know, the statute created "State Legalization Impact Assistance Grants" for the purpose of distributing these new monies to the States, and provided as well and appropriation of a billion dollars a year to fund these grants. The distribution of this money is based on a formula which takes into consideration the number of eligible legalized aliens and their ratio to the number of other residents in the state, as compared to the same ratio in other states, and that the amount of expenditures that state anticipates having to spend on new services as compared to the States' current expenditures---in otherwords it focuses on the highly impacted States, such as California. From this billion dollars, each state will be given a percentage of this money based on the impact formula which the state must then allocate between three areas -- education, public assistance and public health.

The Department of Health and Human Services, the department given the Federal responsibility for administering these grants, has recently issued preliminary regulations for implementing these statutory grants. The Committee is greatly concerned over these regulations, particularly as they relate to the precedures and interpretations used for the education portion. We intend to use this hearing and the ones to follow not only as a means of measuring the impact of the Immigration Reform and Control Act generally, but to focus on how we can improve these regulations so as to achieve and enforce a fair and equitable distribution of these funds not only between the States but between the three approved areas.

# # # # # # # # # # # # # # # # #

Mr. Martinez. Thank you, Mr. Chairman. I have a statement that I'd like to have entered into the record in its entirety.

Chairman Hawkins. Without objection, so ordered.

Mr. Martinez. I also want to make a few comments. Many of us, especially in the Los Angeles area, realize that education is a way up. For people who are disadvantaged and of lower income, unless they are gifted and talented, education is their only way up. Education is a great equalizer.

We know from the beginning that one of the Senators that was the prime sponsor of this was adamant about his objections to any funding for education, or any State aid in implementing this bill. Subsequently, the Congress sought and did confirm that there should be some assistance to the State. I believe that whatever the Federal Government provides is going to be inadequate. This requirement is going to burden an overburdened adult education school system with people who are going to be seeking to meet that requirement of learning English, U.S. History, and government. They will need to enter those schools, because they have to be sure that they are enrolled, in order to complete their legalization process. This will often lead to overcrowding those facilities.

You mentioned that we added the English Proficiency Act to H.R. 3. The English Proficiency Act would allow those monies to be used by community-based organizations. That is not going to fulfill the total need. There is going to have to be more concentration of the monies to the school system, and more emphasis on studying, very quickly, what effects these impacts are going to have on our school system and our educational process. I am looking forward to the testimony that is going to be given here today, because I believe these witnesses are the grass-roots level of the whole process. They are the ones who can provide us with the level of information we need to make those adjustments.

Thank you, Mr. Chairman.

[The prepared statement of Hon. Matthew G. Martinez follows:]

THE NEW IMMIGRATION LAW: NEEDS AND DEEDS

OPENING STATEMENT FOR HEARINGS ON EDUCATION AND IRCA
BY MATTHEW G. MARTINEZ
SEPTEMBER 28, 1987.

MR. CHAIRMAN, IN DEMOCRACY, EDUCATION IS THE GREAT EQUALIZER--IT OPENS OPPORTUNTIES FOR EVERY CHILD AND EVERY ADULT. THE IMMIGRATION REFORM AND CONTROL ACT RECOGNIZES THAT EDUCATION IS ESSENTIAL. THE NEW LAW REQUIRES THAT INDIVIDUALS SEEKING PERMANENT RESIDENCE AND CITIZENSHIP HAVE ADEQUATE KNOWLEDGE OF THE ENGLISH LANGUAGE, HISTORY, AND GOVERNMENT.

PROVISIONS FOR IMMIGRANT EDUCATION WERE INCLUDED IN THE NEW IMMIGRATION LAW MORE OR LESS AS AN AFTERTHOUGHT, AS A WAY TO COERCE IMMIGRANTS TO LEARN THE ENGLISH LANGUAGE, AMERICAN GOVERNMENT AND AMERICAN HISTORY. THESE PROVISIONS WERE INCLUDED DESPITE EXTENSIVE EVIDENCE THAT THESE IMMIGRANTS HAVE A GREAT DESIRE TO LEARN ENGLISH AND MOST ARE DOING ALL THEY CAN TO BUILD ENGLISH LANGUAGE PROFICIENCY BECAUSE THEY KNOW THAT IT IS ESSENTIAL TO FUNCTION IN OUR SOCIETY. THESE EDUCATIONAL REQUIREMENTS WERE PLACED IN THE LAW DESPITE THE FACT THAT IN MANY PARTS OF OUR NATION THERE ARE ALREADY SERIOUS SHORTAGES OF PROGRAMS AND TEACHERS TO HELP MINORITY LANGUAGE AMERICAN CITIZENS TO GAIN THESE IMPORTANT SKILLS. THESE REQUIREMENTS WERE PUT IN THE NEW LAW WITH LITTLE THOUGHT AS TO THE CONSEQUENCES THEY WOULD HAVE FOR THE INDIVIDUALS AFFECTED BY THE NEW LAW AND FOR OUR EDUCATIONAL INSTITUTIONS.

THERE ARE SERIOUS QUESTIONS WHETHER THE FUNDS PROVIDED UNDER THE NEW IMMIGRATION LAW WILL COME ANYWHERE CLOSE TO MEETING THE DEMANDS CREATED BY THE NEW LAW. WHAT WILL THE EDUCATIONAL PROGRAMS AND TEST STANDARDS UNDER THE NEW LAW BE LIKE WHEN THEY ARE IMPLEMENTED? SOME COMMENTATORS HAVE EXPRESSED FEARS THAT THE EDUCATION PROVIDED BY THESE PROGRAMS WILL BE SO MINIMAL THAT MANY INDIVIDUALS ABLE TO NORMALIZE THEIR LEGAL STATUS WILL END UP WITHOUT THE ENGLISH LANGUAGE AND OTHER SKILLS THEY NEED TO TAKE FULL ADVANTAGE OF AMERICA'S OPPORTUNITIES. THE NEW IMMIGRATION LAW SHOULD NOT PROMOTE ILLEGAL ALIENS INTO SECOND CLASS CITIZENS, BUT SHOULD HELP ENSURE THAT EVERYONE BECOMING AN AMERICAN PERMANENT RESIDENT OR CITIZEN HAVE AMPLE OPPORTUNITIES TO BUILD THE ENGLISH LANGUAGE AND OTHER SKILLS THEY NEED TO FUNCTION EFFECTIVELY IN OUR COUNTRY.

INCREASINGLY WE HEAR WARNINGS THAT THE NEW IMMIGRATION LAW WILL OVERLOAD EXISTING EDUCATIONAL PROGRAMS. IMMIGRATION "REFORM" WITHOUT REALISTIC PROVISIONS FOR EDUCATION WOULD BE LIKE THE SCENE IN THE OLD LUCY SHOW IN WHICH THE POMPOUS GALE GORDON, WITH UTMOST AUTHORITY, MAKES A GRAND EXIT STATEMENT AND THEN MARCHES DETERMINEDLY OUT OF A DOOR--RIGHT INTO THE CLOSET. IT IS ESSENTIAL THAT AMERICA'S LATEST WORD IN IMMIGRATION POLICY NOT BE A GRAND EXIT INTO A CLOSET. WE NEED WELL-CRAFTED, FORWARD-LOOKING, POLICY RATHER THAN A DEAD-END. INADEQUATE EDUCATIONAL RESOURCES WILL UNDERCUT THE CREDIBILITY AND LEGITIMACY OF OUR NATION'S IMMIGRATION LAWS. WITHOUT ADEQUATE EDUCATION PROGRAMS THE NEW IMMIGRATION LAW WILL PLACE A LARGE BURDEN ON LOCAL EDUCATION AGENCIES, UNDERCUT THE CREDIBILTY OF THE LAW, AND CREATE TRAGEDIES FOR INIDIVIDUALS, FAMILIES, COMMUNITIES, AND INDEED FOR AMERICA.

SEVERAL CONCERNS HAVE BEEN VOICED. SOME OBSERVERS WARN THAT THERE MAY NOT BE ENOUGH SEATS IN THE SCHOOLROOM. WHILE THE DEPARTMENT OF EDUCATION ESTIMATES THAT 13% OF U.S. ADULTS ARE ILLITERATE, THE FIGURE AMONG OUR HISPANIC CITIZENS IS AS HIGH AS 56%. MANY PROGRAMS SERVING THESE CITIZENS ARE ALREADY FULL. (IN THE WORDS OF THE CHIEF OF PROGRAM SERVICES FOR FEDERAL ADULT EDUCATION PROGRAMS, "THE IMMIGRANTS ARE COMING TO OUR DOORSTEP IN LARGE NUMBERS BECAUSE THE INCENTIVE TO LEARN ENGLISH IS SO GREAT.") THE NUMBER OF FOREIGN-BORN ENROLLEES LEARNING TO READ ENGLISH AS THEIR SECOND LANGUAGE IN ADULT EDUCATION COURSES SOARED BY ALMOST 50% BETWEEN 1985 AND 1986. IN CALIFORNIA 80% OF THE ADULT BASIC EDUCATION FUNDS GO FOR ENGLISH AS A SECOND LANGUAGE COURSES. EVEN BEFORE THE ENACTMENT OF THE NEW IMMIGRATION LAW WE HAVE HAD REPORTS FROM ALL OVER THE COUNTRY OF SHORTAGES IN EDUCATION PROGRAMS FOR MINORITY LANGUAGE AMERICAN CITIZENS. THE LOS ANGELES TIMES REPORTED THAT ADULTS WERE WAITING IN LINE OVERNIGHT WITH SLEEPING BAGS. IN CALIFORNIA ALONE IT IS ESTIMATED THAT IN THE LAST SCHOOL YEAR BETWEEN 80,000 AND 116,000 ADULTS WERE ON WAITING LISTS FOR ENGLISH LANGUAGE COURSES THAT WERE ALREADY FILLED TO CAPACITY. IF THERE IS NO ROOM IN THE SCHOOL ROOM, WHAT ARE PEOPLE SUPPOSED TO DO? AND HOW WILL THE I.N.S. TREAT THOSE PEOPLE WHO ARE LEFT WAITING ON THE WAITING LIST?

TO HELP RESOLVE THIS ONGOING PROBLEM, I HAVE INTRODUCED THE ENGLISH PROFICIENCY ACT. THE ENGLISH PROFICIENCY ACT WOULD PROVIDE GRANTS TO A WIDE RANGE OF ORGANIZATIONS, INCLUDING COMMUNITY-BASED ORGANIZATIONS, TO HELP PROVIDE THE ENGLISH LITERACY COURSES THAT MINORITY LANGUAGE AMERICANS NEED. THE BILL WHICH IS COSPONSORED BY 87 MEMBERS OF CONGRESS HAS BEEN INCORPORATED IN THE HOUSE VERSION OF THE TRADE BILL WHICH IS NOW IN CONFERENCE WITH THE SENATE.

SOME WARN THAT THERE MAY NOT BE ENOUGH TEACHERS. THE SURGE IN DEMAND CREATED BY THE NEW IMMIGRATION LAW WILL AGGRAVATE AN ALREADY SERIOUS SHORTAGE OF BILINGUAL TEACHERS. HEAVY DEMANDS ARE ALREADY BEING MADE ON TEACHERS. WE NEED IMPROVED RECRUITMENT AND PROFESSIONAL TRAINING OF TEACHERS--INCLUDING MORE MINORITY AND MULTILINGUAL TEACHERS. THE RESULT OF FEDERAL POLICY SHOULD NOT BE INCREASING THE BURDEN ON TEACHERS WHO ARE ALREADY PERFORMING HEROICALLY IN OVERCROWDED AND UNDERFUNDED CLASSROOMS.

SOME WARN THAT SHORTAGES OF QUALIFIED TEACHERS AND CLASSROOM SPACE WILL CREATE OPPORTUNITIES FOR QUICK-BUCK ARTISTS WHO PROMISE "INSTANT ENGLISH". THE IMMIGRATION LAW IS NOT MEANT TO BE A JOBS PROGRAM FOR FLY-BY-NIGHT "INSTANT ENGLISH" RIP-OFF ARTISTS. WE NEED QUALITY CONTROL TO ASSURE THAT FLY-BY-NIGHT OPERATORS DON'T "TAKE THE MONEY AND RUN", LEAVING STUDENTS TO FAIL BOTH ENGLISH AND RESIDENCY REQUIREMENTS.

SOME WARN THAT EVEN THE STUDENTS WHO DO GET INTO LEGITIMATE COURSES MAY NOT LEARN THE ENGLISH THEY NEED. THE NEW IMMIGRATION LAW WILL DO AMERICA A SERIOUS DISSERVICE IF THE EDUCATION PROVIDED IS SO INADEQUATE THAT IT SETS UP WOULD-BE CITIZENS TO FAIL CITIZENSHIP'S HURDLES. THE IMMIGRATION LAW WILL POORLY SERVE AMERICA IF IT PROVIDES A ONLY A PATH TO ENGLISH LANGUAGE SKILLS INADEQUATE TO PARTICIPATE IN AMERICA'S OPPORTUNITIES. THE INTENT OF CONGRESS IN PASSING THE NEW IMMIGRATION LAW WAS NOT TO CREATE A NEW AMERICAN UNDERCLASS. TESTING SHOULD BE PROCEEDED BY ADEQUATE TRAINING.

LET ME MAKE IT CLEAR THAT I AM ALSO VERY CONCERNED ABOUT MINORITY LANGUAGE CHILDREN IN GRADES K-12. TOO MANY ARE RECEIVING INADEQUATE HELP IN BUILDING THEIR ENGLISH LANGUAGE PROFICIENCY AND OTHER SKILLS THEY NEED TO BE PREPARED FOR LIFE IN AMERICA. I HAVE WORKED ACTIVELY IN THE REAUTHORIZATION OF OUR NATION'S ELEMENTARY AND SECONDARY EDUCATION PROGRAMS TO ENSURE THAT AMERICAN CHILDREN WHO HAVE LIMITED ENGLISH PROFICIENCY RECEIVE THE EDUCATION THEY NEED. AND I WAS THE LEAD AUTHOR IN THE REAUTHORIZATION OF THE EMERGENCY IMMIGRANT EDUCATION ACT WHICH SERVES IMMIGRANT CHILDREN. AS PART OF THE REAUTHORIZATION OF THIS PROGRAM I CALLED FOR A FULL EVALUATION OF THE PROGRAM TO ENSURE THAT THE PROGRAM IS ADEQUATELY SERVING THE IMMIGRANT CHILDREN WHO COME TO AMERICA.

THE IMMIGRATION REFORM AND CONTROL ACT WILL BE SUCCESSFUL NEITHER IN REFORMING IMMIGRATION ABUSES NOR IN CONTROLLING ILLEGAL IMMIGRATION IF THE EDUCATION REQUIRED BY LAW IS NOT AVAILABLE. TODAY WE ARE HERE TO GET THE FACTS FROM THOSE WHO KNOW THEM BEST, FROM THOSE WHO ARE DIRECTLY INVOLVED IN PREPARING TO MEET THE DEMANDS OF THE NEW IMMIGRATION LAW. WE ARE HERE TO GET THE FACTS ABOUT WHAT IS WORKING, AND TO IDENTIFY WHERE ADDITIONAL ACTION MAY BE NEEDED. MR. CHAIRMAN, I LOOK FORWARD TO HEARING TODAY'S TESTIMONY.

Chairman HAWKINS. Let me introduce my esteemed colleague, Mr. Edward Roybal, who although not a member of this Committee, but as a member of the Appropriations Committee has been a tremendous assistance in seeing that whatever we authorized got funded, and it is an extreme pleasure for me to have him join us at the hearing today. Mr. Roybal?

Mr. ROYBAL. Thank you, Mr. Chairman. May I ask unanimous consent that the prepared statement be made part of the record?

Chairman HAWKINS. Without objection, so ordered.

STATEMENT OF HON. EDWARD R. ROYBAL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. ROYBAL. Mr. Chairman, first of all, I would like to compliment you for holding these hearings. I know just how busy the Congress is nowadays, and how difficult it is to travel throughout the country to hold hearings.

It is my understanding, Mr. Chairman, that regulations recently issued by the U.S. Health and Human Services Department, state that Amnesty applicants must show a knowledge of the English language. The way that I understand it, the Department actually believes that most of the applicants have a knowledge of English. The truth of the matter is that many of the Amnesty applicants don't.

I would like to point to a few statistics that were compiled by the National Association of Latino Elected and Appointed Officials. These statistics show that 20 percent of all illiterate adults in the United States are immigrants who have come to this Country in the last six years. It also shows that only 23 percent of Mexican immigrants have a reading ability in English. Last year, more than 40,000 people were on a waiting list for English-as-a-second-language classes in the Los Angeles area, alone. As you probably know, most of those people did not get into classes. With the start of the new school year, there is a waiting list of more than 18,000.

That is a tremendous backlog. We are estimating approximately 400,000 legalization applicants in the Los Angeles area. It would be a shame if these people, who gathered all these documents and fought with complicated forms, who paid hundreds, if not thousands, of dollars, were ultimately denied their rights, simply because there were no adult education English classes.

I believe, Mr. Chairman, that there are some solutions. Of course, the first, and the best, solution would have been to amend the Immigration Bill. That we attempted to do. We, from California knew of the problem that would exist, and we articulated the situation to the Members of Congress. However, they were more interested in protecting the farmer and the grower than they were in protecting the people who were going to eventually be legalized. Our efforts failed. I hope, Mr. Chairman, that the Immigration and Naturalization Service, and the Justice Group, which holds a $10.5 million contract, will immediately launch an information campaign making legalization applicants aware of the second step requirements. By notifying them of the English, U.S. Government, and history requirements, they would enable applicants to begin to assess whether they will need classes. By doing this, applicants can get a three-semester, or eighteen-month jump on the process. And as they do that, they are ahead of the waiting list.

Second, Federal and State education authorities should aggressively work to plan and launch recognized courses of studies in areas where severe backlogs exist or are expected.

Finally, the Federal Government is working to obligate $1 billion in State grants to cover the costs of legalization. Ten percent is earmarked specifically for education. It is quite possible that California could receive $450 million of these monies. Let us not be fooled into believing that this will be sufficient to cover the cost of preparing people for permanent residency requirements. We need a great deal more. It is estimated that it costs from $350 to $1,500 for each ESL student. If we use an average figure of $750 per student, and assume that 1 million students, nationwide, will need such classes, the education costs alone could be $750 million. That amount is quite staggering.

We knew all of this when the Immigration Bill was being debated. We told the Committee and the Members of the Congress of these figures that we had last year while debating the bill. They show that all of the money appropriated is needed and should be made available.

Mr. Chairman, I appreciate the opportunity to raise these concerns and possible solutions. If the legalization program is to truly work for the millions of undocumented immigrants that believed in this Country, then we should work to ensure that people can complete both steps of the Amnesty process. If they complete only one, then the law is not working. We have to ensure that they complete both, and that includes education in English as a second language.

[The prepared statement of Hon. Edward R. Roybal follows:]

ER PG. 1

HEARING: IMMIGRATION AND EDUCATION, 9-28-87

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, TODAY's HEARINGS WILL PLAY A VITAL ROLE IN DEVELOPING AN EDUCATIONAL ROAD MAP FOR THE UPCOMING ENROLLMENT CRISIS IN ADULT EDUCATION CRISIS IN ADULT EDUCATION CLASSES.

ALTHOUGH PROPOSED REGULATIONS RECENTLY ISSUED BY THE U.S. HEALTH AND HUMAN SERVICES DEPARTMENT STATE THAT MOST AMNESTY APPLICANTS HAVE A KNOWLEDGE OF ENGLISH, THE FACTS SHOW OTHERWISE. I WOULD LIKE TO POINT TO A FEW STATISTICS COMPILED BY THE NATIONAL ASSOCIATION OF LATINO ELECTED AND APPOINTED OFFICIALS (NALEO):

-20 PERCENT OF ALL ILLITERATE ADULTS IN THE UNITED STATES ARE IMMIGRANTS WHO HAVE COME TO THIS COUNTRY IN THE PAST SIX YEARS.

-ONLY 23 PERCENT OF MEXICAN IMMIGRANTS HAVE A READING ABILITY IN ENGLISH

SCHOOL DISTRICTS AND COMMUNITY-BASED SERVICE PROVIDERS WILL SEE THESE PEOPLE--AND MANY OTHER--LINING UP FOR ENGLISH-AS-A-SECOND-LANGUAGE CLASSES (ESL) IN ORDER TO SUCCESSFULLY OBTAIN THEIR PERMANENT RESIDENCY, WHAT IS CALLED THE SECOND STEP OF LEGALIZATION.

LAST YEAR, MORE THAN 40,000 PEOPLE WERE ON A WAITING LIST FOR ESL CLASSES IN THE LOS ANGELES AREA. AS YOU PROBABLY KNOW, MOST OF THOSE PEOPLE DID NOT GET INTO CLASSES. WITH THE START OF THE NEW SCHOOL YEAR, THE WAITING LIST ALREADY IS 24,276 ~~18,0~~00. BACKLOGS ALSO EXIST ELSEWHERE.

WE ARE LOOKING AT APPROXIMATELY 400,000 LEGALIZATION APPLICANTS IN

THE LOS ANGELES AREA. IT WOULD BE A SHAME IF PEOPLE WHO GATHERED THE DOCUMENTS, FOUGHT WITH COMPLICATED FORMS, PAID HUNDREDS OF DOLLARS--IF NOT THOUSANDS OF DOLLARS--ONLY TO BE DENIED PERMANENT RESIDENCY BECAUSE THEY COULD NOT ENROLL IN ADULT EDUCATION CLASSES.

MR. CHAIRMAN, THERE ARE SOLUTIONS TO THIS LOOMING CRISIS.

FIRST, I URGE THE IMMIGRATION AND NATURALIZATION SERVICE AND THE JUSTICE GROUP, WHICH HOLD A $10.5 MILLION ADVERTISING CONTRACT, TO IMMEDIATELY LAUNCH AN INFORMATION CAMPAIGN MAKING LEGALIZATION APPLICANTS AWARE OF THE SECOND-STEP REQUIREMENTS.

BY NOTIFYING THEM OF THE ENGLISH, U.S. GOVERNMENT AND HISTORY REQUIREMENTS, APPLICANTS CAN BEGIN TO ASSESS WHETHER THEY WILL NEED CLASSES. BY DOING THIS, APPLICANTS CAN GET A 3-SEMESTER OR 18-MONTH JUMP ON THE PROCESS-- AND THE WAITING LISTS.

SECOND, FEDERAL AND STATE EDUCATION AUTHORITIES SHOULD AGGRESSIVELY WORK TO PLAN AND LAUNCH RECOGNIZED COURSES OF STUDY IN AREAS WHERE SEVERE BACKLOGS EXIST OR ARE EXPECTED. I COMMEND YOU AND MEMBERS OF THIS COMMITTEE WHO ARE WORKING TO IDENTIFY THESE AREAS OF NEED.

FINALLY, AS YOU KNOW, THE FEDERAL GOVERNMENT IS WORKING TO OBLIGATE 1 BILLION DOLLARS IN STATE GRANTS TO COVER THE COSTS OF LEGALIZATION, AND 10 PERCENT IS EARMARKED SPECIFICALLY FOR EDUCATION. CALIFORNIA COULD RECEIVE 450 MILLION DOLLARS OF THESE MONIES. LET US

NOT BE FOOLED INTO BELIEVING THAT THIS WILL BE SUFFICIENT TO COVER THE COSTS OF PREPARING PEOPLE FOR THE PERMANENT RESIDENCY REQUIREMENTS.

IT IS ESTIMATED THAT IT COSTS FROM 350 DOLLARS TO 1,500 DOLLARS FOR EACH ESL STUDENT. IF WE USE AN AVERAGE FIGURE OF 750 DOLLARS PER STUDENT, AND ASSUME THAT 1 MILLION STUDENTS NATIONWIDE WILL NEED SUCH CLASSES, THE EDUCATIONAL COSTS ALONE COULD BE 750 MILLION DOLLARS. THAT IS STAGGERING.

THEREFORE, I URGE OFFICIALS ATTENDING TODAY's HEARING TO USE A GREATER PORTION OF THE LEGALIZATION IMPLEMENATION MONEY FOR PUBLIC EDUCATION NEEDS.

IN ADDITION, COMMITTEE MEMBERS, ALONG WITH OTHERS IN CONGRESS, SHOULD SERIOUSLY CONSIDER THE PENDING ENGLISH PROFICIENCY ACT (HR579) THIS LEGALIZATION WOULD ALLOCATE $50 MILLION ANNUALLY FOR ADULT EDUCATION CLASSES, AND IT COULD BE A VIABLE WAY TO SUPPLEMENT THE POTENTIAL LAGS IN EDUCATIONAL ASSISTANCE. ALTHOUGH THIS WILL NOT COVER ALL THE COSTS IT IS A START.

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO RAISE THESE CONCERNS AND POSSIBLE SOLUTIONS. IF THE LEGALIZATION PROGRAM IS TO TRULY WORK FOR THE MILLIONS OF UNDOCUMENTED IMMIGRANTS BELIEVED TO BE IN THIS COUNTRY, THEN WE SHOULD WORK TO ENSURE THAT PEOPLE CAN SUCCESSFULLY COMPLETE BOTH STEPS OF THE AMNESTY PROCESS AND BECOME LEGAL PERMANENT RESIDENTS.

THANK YOU.

Chairman HAWKINS. Thank you, Mr. Roybal. To my far left is another member who is a staunch supporter of education and of this Committee, and it is a pleasure to have him join us today, my distinguished colleague, Mr. Esteban Torres. Mr. Torres?

STATEMENT OF HON. ESTEBAN E. TORRES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. TORRES. I would like to ask unanimous consent that my statement in its entirety be entered into the record, and in the interest of time, I will summarize.

Chairman Hawkins, I want to thank you for holding this important meeting on the impact of Immigration Reform and the Control Act of 1986, specifically on State assistance and education programs. I am looking forward to hearing from agencies and from individuals affected most by the requirements of this new Immigration law.

As an individual in Congress, I worked hard while the Bill was being considered, to ensure that a fair and equitable Immigration law was enacted. This law, to be sure, is far from perfect. But under the circumstances, it was the best law that we could give the American people.

The issue of Immigration is very complicated. Consequently, the law itself is very complex. Congress included numerous provisions that preserved and strengthened the civil rights and the integrity of the individual. Whether or not the law is being properly implemented or administrated is the main issue that brings us here this morning. In order to qualify for legalization, the law requires individuals to meet certain conditions, such as English proficiency. If Federal, State, or local agencies are failing to deliver services needed to satisfy the requirements, then, we need to know why, and we need to make the necessary changes in Congress.

Because the law is fairly new, we have enough time to make important changes. I hope that today we will learn if there are shortcomings so that when we return to Washington, we will have information necessary to correct deficiencies.

Thank you, Mr. Chairman, for giving me this opportunity, and I hope that we will learn a lot about any shortcomings. Thank you.

Chairman HAWKINS. Thank you. We will next open up with the first panel this morning. And as the names are called, I hope the Witnesses will be seated at the Witness table. I will call them in the order in which they will be called upon to present their statements. First, Dr. Leonard Britton, Superintendent of the Los Angeles Unified School District. Second, Ms. Leticia Quezada, member of the Los Angeles City Board of Education; three, Mr. Warren Furutani, member of the Los Angeles City Board of Education, and fourth, Mr. Wayne Johnson, President of the United Teachers of Los Angeles.

We are delighted to have these distinguished Witnesses as the beginning Witnesses of the first of this series of hearings. I think we have asked the Witnesses to confine their oral remarks to roughly five minutes so that we can leave time for questions after the panel has had an opportunity to—each one of the panel members to speak. And may I assure these Witnesses, as well as the others, who may be seated in the audience, that every statement will be entered in the official record just as if it had been spoken in its entirety. And that way, we will commence to build a record, we hope, to clarify the issues and to advance the cause of education within the framework of this rather critical issue.

Now, Dr. Britton, we would be delighted to hear from you first.

[The prepared statement of Hon. Esteban Edward Torres follows:]

OPENING REMARKS
FOR CONGRESSMAN TORRES
BEFORE THE HOUSE COMMITTEE
ON EDUCATION AND LABOR

LOS ANGELES, CA

9/28/87

I want to thank Chairman Hawkins for holding this important hearing on the impact of the Immigration Reform and Control Act of 1986 on state assistance and education programs.

I am looking forward to hearing from the agencies and individuals affected most by the requirements of the new immigration law.

I worked hard while the bill was being considered to ensure that a fair and equitable immigration law was enacted. This law is far from perfect. But under the circumstances, it was the best law we could give the American people. The issue of immigration is very complicated, consequently the law itself is complex. Congress included numerous provisions that preserved and strengthened the civil rights and integrity of individuals.

Whether or not the immigration law is being properly implemented is the main issue that brings us here this morning. In order to qualify for legalization the law requires individuals to meet certain conditions such as English proficiency. If federal, state or local agencies are failing to deliver services needed to satisfy requirements, then we need to know why and make the necessary changes. Because the law is fairly new, we have enough time to make important changes. I hope that what we learn today will enable us to return to Washington with the information neccessary to correct deficiencies in the law.

STATEMENT OF DR. LEONARD BRITTON, SUPERINTENDENT, LOS ANGELES UNIFIED SCHOOL DISTRICT

Dr. **Britton**. Thank you, Mr. Chairman. I am Leonard Britton, Superintendent of the Los Angeles Unified School District, and I want to thank you for this opportunity to present the testimony regarding our district's involvement in the education of young people and adults in this community, and more specifically, how the Immigration Reform and Control Act of '86 will impact the Los Angeles School District.

I think it is very appropriate, of course, what you have done. You have selected the largest adult high school in the Country here at Evans to hold your hearings, and the largest point of entry for Immigrants, and that is the Los Angeles Area.

We are ready, in this school system, to proceed to do what needs to be done for not only our staggering population growth and our urban complexities, but what we must do for all of the students who are coming here from all parts of the Country. I need not go into the statistics in any detail to let you know that we are talking of hundreds of thousands of people in due time that will be ooming into our school system, particularly now with the beginning of the amnesty education program.

Truly, California, and Los Angeles in particular, has become the new haven for Immigrants in the United States. Los Angeles is now the Nation's largest port of entry. Indeed, as some have said, the Ellis Island of the West. We are talking in the State of Florida, as you mentioned, Mr. Chairman, at least a million, 700,000 eligible legalized aliens will be here, and over a million of those are right here in the Los Angeles area alone. The Catholic charities agency, by the way, of the Los Angeles Roman Catholic Archdiocese, is now processing over 316,000 Amnesty applications, and at least 60 percent of those will need at least some form of ESL or citizenship education.

I am proud of the Los Angeles Unified Board of Education. They have indicated that these people—these adults and these young people who are coming here from all over this world who require the services of this school system are welcome. I know that in other parts of the Country this may not be true, but here, the welcome mat is out to all of these people. We want to be sure that when they get here, beyond that, that we know that we have the capability, we know we have the experience and are able to teach them, and we want to have the opportunity to be able to do that.

This Board and this staff sees the influx of these immigrants a potentially a great event for our Nation. We would like to build on this diversity, and develop a strong school system and a strong community, based upon these new people who we would like to welcome to our Country.

With that in mind, I would like to express and support the statement made by the Los Angeles County Economic Roundtable, when they said that the work, productivity and corresponding improvement in living standard have, in large measure, been attributable to an accessible and effective public school system.

We believe that it is essential to develop an Amnesty preparation program which recognizes that education is the cornerstone of economic survival and productive citizenship. We are ready to move and to take our responsibility in doing what has to be done. We believe that a greater involvement of education than is presently provided will prove to reduce the need for public assistance and health care in the future.

Now, the bill as it stands, has a number of issues that concern us. You might call them constraints as to the logistical, administrative and fiscal problems that are upon us because of this Act, and I would like to comment on just four of those very, very quickly.

There is one constraint that says "the impact assistant grants legislation funds used for additional services and educational services are subject to a $500 annual cap for eligible legalized aliens." This is far from being sufficient. I heard the statement Mr. Roybal made, and he is correct. We are talking on an average—perhaps there are some students who can get by with $500, but really that only translates into about 200 hours of instructional time, with regard to Amnesty preparation and also the other requirements of citizenship programs, but that is an average, we are finding, perhaps more in tune than the 200 hours, it would be more likely 200 to 600 hours that would need to be funded.

In addition, there is little or no provision for everything that a district has to do in order to be able to implement the program. Curriculum development, teacher training, material development, equipment, housing, clerical coordination, administrative personnel, assessment. We are talking, as you say, around perhaps $45 to $50 million being available for the State in its entirety. That amount could be spent in Los Angeles alone.

The second constraint, and this does concern me greatly, is the limit to the use of the assistance grant funds, who have attended school in this Country for fewer than three academic years. This may exclude a number of children, as well as adults. And I think when you begin to talk about language as well as Amnesty preparation instruction, trying to get the background and adequate knowledge of history and civics, you are going to find, particularly with language instruction, you may need to go beyond three years. It would be better, instead of an artificial time limit, to set a proficiency type of requirement that we can certify that they either know their content or their language.

The third constraint is that the amount of assistance grant funds that a state educational agency may use to provide educational services to these legalized aliens is reduced by the amount of federal funding otherwise available to provide such assistance to those aliens. It concerns me greatly that such moneys that may be available for the Job Training Partnership Act, the Adult Basic Education program on the federal level, the Refugee Assistance, which I am very familiar with here and in other states, would be—must be utilized to full capacity. You cannot take away from those programs, because then you will be harming those programs, as well as not funding this to the limit it should be done. A reduction in funds in some of these other areas would mean a terrible loss to school systems throughout this Country.

Fourth, there was another constraint that we expect that actual assistance grants related education costs to be substantially less than $500. This is a statement they make in the documentation.

Should be substantially less than $500, because many Aliens will speak English when they enter the Country or will have acquired English language skills during the time they are here. Unfortunately, this is not the way things are done. This is not a truth in which you will find. I will be pleased for you to walk out of this building, even at this moment, to talk to the students who are on the grounds, who are trying to register to come into this school system at this present time. Amnesty applicants will require some degree of English language instruction which may well go beyond the three years.

I would also hope that INS, beyond these requirements, by the way, these constraints, would move very quickly to start approving the state plans, and some of the prerequisites for compliance that we are going to have to meet in order to meet what has to be done.

You mentioned there were 40,000 adults who wanted English as a second language last year we could not serve. This is true. Somewhere the number is now well over 10 to 20 thousand today, and many people are not even bothering to come, because we know we cannot serve them, because the dollars are not here to do this. We are prepared to begin tomorrow morning—tomorrow morning if the dollars were here, to find the teachers and the spaces in order to provide these people with the instruction they need. We can do it, and we have the resources, pending the dollars being available.

Mr. Chairman, as I say, I could go into many, many details. Staff is available to meet with your counsel and others on some of the fine points, but let me say that this school system, as I said before, welcomes these people to our adult education and amnesty programs, not only so that they may now learn English, not only that they may now be able to learn those requirements of U.S. Citizenship, and our constitution and our government, but we hope that once they have successfully done that, this school system stands ready to take them on to help them gain the kinds of educational preparation that they can go out as productive workers in our community. I wish you could see the long range of vocational adult education programs where we could make these wonderful people a member of our Nation and of our American civilization.

Mr. Chairman, this concludes my formal presentation. My written statement will be available for your record. I want to say we sincerely appreciate the opportunity you have given us to be able to come before you today and express our intense interest in wanting to do what is the right thing for these people.

[The prepared statement of Dr. Leonard M. Britton follows:]

TESTIMONY

UNITED STATES CONGRESSIONAL
FIELD HEARING

EDUCATION AND LABOR COMMITTEE

UNITED STATES HOUSE OF REPRESENTATIVES

THE IMPACT OF
THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

Congressman Augustus F. Hawkins
Chairman

September 28, 1987
Evans Community Adult School
Los Angeles Unified School District
Los Angeles, California

Dr. Leonard M. Britton
Superintendent
LOS ANGELES UNIFIED SCHOOL DISTRICT

I. INTRODUCTION

Mr. Chairman, members of the Committee, I am Leonard Britton, Superintendent of the Los Angeles Unified School District. Thank you for the opportunity to present this testimony regarding the District's involvement in the education of children, young people and adults in our community, and more specifically, how the Immigration Reform and Control Act of 1986, will impact our District.

It is most appropriate that you have selected the largest adult school in the country, Evans Community Adult School, and the largest port of entry for new immigrants, Los Angeles, to conduct this hearing. It is also appropriate to recognize that many of the youth and adults impacted by this program are already attending school, free of the identification and stigma of undocumentation, but fearful ... day to day ... that this country might reject them.

II. BACKGROUND

The Los Angeles Unified School District is the second largest school district in the nation, reflective of the staggering population growth and urban complexities faced by many school districts in California and in the nation, with an enrollment of slightly more than 600,000 students in grades K-12, and a growth of nearly 14,000 students this year alone! Our school district is experiencing an unprecedented challenge in the provision of adequate school housing, educational resources reflecting the needs of students from 80 different countries and nearly as many languages, and the provision of a host of related supportive service needs. An additional 207,000 adults are enrolled in ESL classes, learning English for their economic survival.

The ethnic make up of the District's student population is 83 percent combined minority. Of these, approximately 56 percent are Hispanic, 19 percent are Black, almost 7 percent are Asian, and 1 percent represents native Americans. More than 160,000 of our K-12 students are identified as non or limited English speaking, requiring the incorporation of bilingual education strategies into the regular program.

Staggering as these statistics appear, they pale by comparison with the number that have been gathered in preparation for the beginning of the amnesty education program.

Truly, California -- and Los Angeles in particular, has become the new haven for immigrants to the United States. Los Angeles is now the nation's largest port of entry -- indeed, the Ellis Island of the West.

Consider these statistics compiled by the California Departments of Education and Finance:

- The total number of Eligible Legalized Aliens in the State of California is estimated at 1,675,000.
- The total number of Eligible Legalized Aliens in Los Angeles County is estimated at 1,076,323 or 64 percent of the entire state!

This estimate is further broken down as follows:

-- Age Group 6-18 = 150,663

-- Age Group 19-44 = 757,517

-- Age Group 45-64 = 148,726

-- Age Group 65 + = 19,417

Presently the Catholic Charities Agency of the Los Angeles Roman Catholic Archdiocese, is processing 316,000 amnesty applications. It is estimated that a minimum of 60 percent of their clients will need some form of ESL and/or Citizenship instruction.

The Los Angeles Unified School District welcomes the opportunity to participate in the implementation of the Immigration Reform and Control Act of 1986. The District has the capability and experience in place to expand its services to meet the educational needs of Eligible Legalized Aliens who intend to submit applications, or have submitted applications for legal residency to the Immigration and Naturalization Service, or to Qualified Designated Entities. Adequate funding resources must be made available for us to succeed.

It is our philosophy that the legislation process should be viewed as an educational investment in the nation, rather than a means of excluding new residents. I concur with a recent policy statement by the Los Angeles County Economic Roundtable, a private sector group, that "Human Resources are the Foundation for Future Economic Growth." The recommendation noted that "work force productivity and corresponding improvements in living standards have, in large measure, been attributable to an accessible and effective public school system."

We believe that it is essential to develop an amnesty preparation program which recognizes that education is the cornerstone of economic survival and productive citizenship. Educators, legislators and policymakers should avoid the approval of programs which have as their sole purpose the documentation of applicants or the preparation for citizenship examination.

The grants program reimburses state costs for public assistance, health care and education. **WE BELIEVE THAT A GREATER INVESTMENT IN EDUCATION THAN IS PRESENTLY PROVIDED WILL PROVE TO REDUCE THE NEED FOR FUNDING FOR PUBLIC ASSISTANCE AND HEALTH CARE.**

Regrettably, we believe that much of the legislation providing for grant funding, as presently written, will have the latter effect, intended or not.

III. DISTRICT PLANNING FOR IMPLEMENTATION OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

It should be noted that even before the historic date of May 5th, hundreds of requests for documentation assistance and supplemental English classes were being made at most of our school sites.

It is evident that the Los Angeles Unified School District is already experiencing the impact of legislation, and we are, therefore, taking steps to assure that every applicant is able to take advantage of the law. Additionally:

- An assessment of the impact for elementary, secondary and adult education students is currently underway.

- A Districtwide advisory council, including representation for the Catholic Archdiocese, community based organizations, and concerned public and non-profit agencies, is reviewing the partnerships which will be essential to provide services with the sensitivity essential to this population.

- Staff inservice training has been started for teachers who will participate in the amnesty preparation.

- The District citizenship preparation program has been expanded to include students applying for legal residency.

- Courses which incorporate specialized vocabulary and a focus on United States history and government are under development.

- A 20-lesson video production targeted to the Eligible Legalized Alien population will be completed within the year.

- School District training is being explored for paraprofessionals who will work as facilitators with small groups of amnesty applicants.

The District has incurred the costs of developmental planning and subsequent efforts. To wait until entitlement is obtained from the federal government would have had a disastrous effect on our ability to provide assistance to people. **We have yet, however, to receive the guidelines and funds which will be essential to implement the extensive planning which has taken place.**

IV. ISSUES RELATED TO CURRENT FUNDING PROCEDURES

There are a number of serious logistical, administrative, and fiscal problems posed by the Immigration Reform and Control Act and the accompanying rules for implementation of the law. We believe several are especially critical and should be reviewed and modified. I refer to the following constraints imposed in the Impact Assistance Grants Legislation as identified in the Federal Register, Vol 52, No. 156, of Thursday, August 13, 1987:

1. **Constraint:** "Impact Assistance Grants Legislation funds used for educational services are subject to a $500 annual cap per eligible legalized alien."

   The proposed regulations urge the states to utilize existing delivery mechanisms to allocate resources. Based upon the current revenue limit for adult education programs in California, $500 per Eligible Legalized Alien equates to approximately 200 hours of instruction. This average number of hours of instruction to acquire basic English skills and related knowledge for amnesty preparation is far from adequate. It will require an average of 400 (or more hours) for the typical student to acquire the necessary skills. Other costs that have not been considered such as curriculum development, teacher training, material development, equipment, housing, clerical and coordination support, and administrative personnel must be added on to the costs of services to the individual applicant. The estimated costs for our District alone are estimated in excess of $47 million for the first year of the program, if all those eligible participate in the program.

2. **Constraint:** "...limit the use of Assistance Grants funds to amnesty applicants ... who have attended school in this country for fewer than three full academic years."

This constraint eliminates from educational services many youths who could benefit by participating in amnesty preparation instruction. Presumably, applicants with more than three years of school attendance will possess sufficient English skills required for amnesty. However, many are also likely to lack adequate knowledge in history and civics. The regulations should be modified to accommodate the needs of these individuals. Experience shows that the proficient acquisition of a second language takes longer than three years, especially by an adult. Careful assessment of skills and proficiency levels must be an integral part of the program.

3. **Constraint:** "... the amount of Assistance Grants funds a State educational agency may use to provide educational services to eligible legalized aliens is reduced by the amount of Federal funding otherwise available to provide such services to those aliens."

While not specific, it appears likely that reimbursement to school districts for amnesty preparation educational services could be reduced by well intentioned federal or state agencies unfamiliar with the educational complexities of the public education system. Currently, there are no federal funds targeted to this population for this purpose. All federal funds for educational services (Job Training Partnership Act and Adult Basic Education) are being utilized at full capacity. However, if diverted, other target populations would be unserved. Job Training Partnership Act programs and Adult Basic Education provide job skill and life skills training. Use of these funds, in addition to Assistance Grants funds, for the amnesty population would enhance the desirability of Eligible Legalized Aliens as permanent residents. Amnesty preparation is only a first step in a progression of individual growth toward productivity. A reduction in funds would mean a terrible loss to society. The total cost, direct and support services, of the amnesty program must be certifiable. The provision of educational services should be channeled through existing state and federal mechanisms, such as the Adult Basic Education program. It is the quickest and most effective means available.

4. Constraint: "We expect that actual Assistance Grants - related education costs to be substantially less than $500 times the number of eligible legalized aliens in a State ... Many aliens will speak English when they enter the country or will have acquired English language skills during the time they were here."

The experience of the District, as well as of the organizations contacted by Los Angeles Unified School District staff, indicates that the opposite is more likely to be true. The experience of local agencies indicates that virtually all potential amnesty applicants will require some degree of English language instruction. Even if the U.S. Health and Human Services Department's assumption were true, the knowledge of U.S. history and government possessed by Eligible Legolized Aliens is not likely to be sufficient to qualify for permanent residency. The Department of Health and Human Services should recognize the educational needs of amnesty applicants.

V. STATISTICAL RESEARCH AND ASSESSMENT OF APPLICANT POPULATION

LOS ANGELES UNIFIED SCHOOL DISTRICT

Last September, 40,000 adults wishing to learn English were forced onto waiting lists in adult schools of the District because local, state or federal funds were not available. It is conservatively estimated that 120,000 additional amnesty applicants will require our services during the next three years. The $500 level of proposed funding for each applicant represents less than one-fourth of the amount currently provided by the State for K-12 students and less than 40 percent of the amount allowed for each adult education student.

The adult English-As-A-Second Language student enrollment for 1986-87 school year reached 207,000 in the District.

The K-12 program Eligible Legalized Alien enrollment can only be estimated at this time since districts in California have historically been forbidden to ask a student's legal residency status. At present, the State Department of Education estimates the total of the K-12 undocumented alien population to be 234,468.

However, consider the following:

- 65 percent of the total Eligible Legalized Alien population in Los Angeles will need English-As-A-Second Language instruction annually.
- Each participant will require about 400 average hours of instruction.
- The total projected costs to Los Angeles of instructional programs that will fully serve adult amnesty applicants for one year is in excess of $47 million.
- Many K-12 students will require specialized supplementary instruction.

Additionally, Paul Gilbert, Special Assistant to the Director, Immigration and Naturalization Service, Department of Justice, stated on September 10, 1987:

- The Los Angeles regional office of the INS, as of this date, has received 200,000 applications for temporary legal residency.
- Of the 200,000 applications submitted, 130,000 have been processed.
- Of the 130,000 applications processed, 108,000 are from aliens living in L.A. County.

The Immigration and Naturalization Service now expects that approximately 600,000 aliens will submit applications to their Los Angeles office by the set deadline date of May 4, 1988.

VI. SUMMARY

The Immigration Reform and Control Act of 1986 and the proposed Rules as set forth by the Department of Health and Human Services challenge providers of educational services. Nowhere are these challenges greater than in the Los Angeles area.

The organizations contacted by staff of the Los Angeles Unified School District indicate that a large number of aliens do not have the skills to speak English. The experience of local agencies indicates that virtually all potential amnesty applicants will require some degree of English language instruction.

Additionally, the issue of illiteracy in the primary language affects thousands of Latino Eligible Legalized Aliens. The impact to second language acquisition (ESL) is measurable.

The active participation we have had with public and private community agencies has resulted in a high degree of pressure upon our District to provide educational amnesty preparation services immediately. These agencies are actively serving the best interests of the amnesty applicants as well as the community, by ushering new applicants into the amnesty process. They are anxiously awaiting our efforts to begin to supply our essential component of the process. We urgently need to increase our ability to teach amnesty applicants without reducing services to other deserving populations.

It is evident that elementary and secondary students will be significantly impacted by this legislation. They will have a renewed opportunity to be part of the American mainstream, but only to the extent that we are committed to their educational well being.

We fully anticipate that many of the persons who come to adult education for amnesty preparation will need to enroll in continuing educational offerings, such as courses that would lead to a high school education. State Legislation Impact Assistance Grants funds are only the beginning of the Americanization process. And if we look to the future, we will recognize that an even greater impact will be sustained by the educational system because of the continued demands to meet basic adult education needs, even after requirements of the Immigration Reform and Control Act of 1986 are fulfilled.

Mr. Chairman, this concludes my presentation. We sincerely appreciate the opportunity you have given us today to express our enthusiasm in participating in the legalization process, as well as to voice our deep concerns regarding the educational implications of the Immigration Reform and Control Act of 1986.

Chairman **Hawkins**. Well, thank you, Dr. Britton. The next Witness, Ms. Quezada, a member of the Board of Education.

STATEMENT OF LETECIA QUEZADA, MEMBER, LOS ANGELES CITY BOARD OF EDUCATION

Ms. **Quezada**. Mr. Chairman, members of the Committee, as a member of the Los Angeles Board of Education, I wish to express my appreciation to address the Committee and to submit written testimony regarding the impact of the Immigration Reform and Control Act of 1986, and also the State Legalization Impact Assistance Grants on the Los Angeles Unified School District, the second largest system in the Country.

I believe that my comments will have similar themes to Dr. Britton. And that only goes to accentuate the degree to which we feel these things are particularly impacting and partially having an impact on our ability to provide the educational services that we want to provide.

Mr. Chairman, the Los Angeles Unified School District prides itself in providing the best quality of education to the students in the district. Indeed, this pride is particularly enhanced by the multi-cultural diversity of the population we serve. Los Angeles has recently come to be known as the new Ellis Island of the United States. In reality, this district has been serving immigrants and refugee young and adult students for many, many years.

Thus, we feel especially ready to provide the educational services needed by those individuals who will be applying under the Amnesty provision of the Immigration Act of 1986. With this in mind, we want to note special concerns and omissions affecting the legal residency status of hundreds of thousands of people who now seek to come out from under the shadow, the fear and exploitation of being undocumented in these United States.

The Immigration Law and the proposed rules as set forth by the Department of Health and Human Services pose programmatic administrative and fiscal challenges for providers of educational services. All of the estimates of the numbers of Amnesty applicants within Los Angeles County are expected to amount to over a million people. The California State Department of Education and Finance, and the U.S. Department of Health and Human Services have estimated that the Amnesty population applicant population in California will be in excess of 1.6 million. Of this population, it is estimated that the overwhelming majority will be Latinos.

As a Latina, as an elected official, and as a school board member, I want to wish—I want to make this Committee aware of two major concerns.

First, in education, we view the new Immigration law from a different prospective than INS. We do not see it as an Immigration law, we see it, rather, as an opportunity to serve local constituents while ending the unjustified persecution of undocumented aliens. In education, we interpret the educational mandates of the Immigration Reform and Control Act as an opportunity to provide an invaluable service to thousands who are seeking future opportunities as Americans with full status.

We welcome the challenge to help children and adults reach their goals of full political, social, and economic partnerships with other Americans. And at this instance, I would like to especially stress that this educational system does not want to become an arm or a branch of the Immigration and Naturalization Service.

The new Immigration law, enforced by Congress, is truly historical, and is landmark legislation of a diverse magnitude. It is changing the lives of thousands of our students, of our residents, and of our citizens. It is not just another immigration law, as some would want us to believe.

Second, I want to call to your attention the inequity of the present system and the planned delegation of existing grant funds in the State. It would seem that dispersal of grant funds, by design, has resulted in a program that attempts to hamper the ability of the educational system to deliver quality educational services.

I would urge that in the future the State Department of Education and local school districts have major roles in the development of and implementation of the educational mandates of the Immigration Reform and Control Act of 1986. That role was denied to entities in the State of California.

Dr. Britton already commented on the rules allowing for a maximum of $500 per applicant for the provision of educational services. Our District believes, as does the National Association of Latino Elected Officials, NALEO, that this amount will not cover the cost that will actually be incurred by educational service providers. I want to discuss three significant issues related to this funding allotment.

First, the present guidelines state that a large number of aliens have the skills to speak English when they came to the United States, or they learned English since they arrived, and thus have no need for educational services. The experience of our districts and that of other local agencies indicates that the opposite is more likely to be true. Most potential applicants will require some degree of English language instruction. In fact, the Catholic Charities Agency of Los Angeles has a major involvement in the Amnesty preparation program, also concurs with our findings.

One of the Archdiocese's pastors, Father Luis Valbuena, recently identified several thousand local residents who have volunteered to help adults acquire English language skills. They, too, understand and appreciate the urgency of learning English, and they, too, recognize the impact that the Immigration law is having and will continue to have on our educational system. Acquiring a second language takes a long time. A very long time.

The second issue is that the State Legalization Impact Assistance Grants guidelines do not take into account the problem of illiteracy as a primary language. Illiteracy in Spanish affects thousands of Latino applicants. In practice, our district would have an additional challenge to teach in English. We must first teach these Amnesty applicants how to read and write in their own native language. This challenge will be faced by thousands, given the high Latino population in our district.

Thus, learning English will take a little longer time for some.

The third issue, is even if the assumption of the U.S. Department Health and Human Services, on the minimum need for ESL instruction should be accurate, the knowledge of the United States History and government possessed by Amnesty applicants is still likely to be insufficient to qualify for permanent residency. And instruction in these subjects must also be provided.

The standard department of education estimated at 35 percent of the Amnesty applicant population may need some 240 hours of Citizenship instruction.

Our district can meet this challenge, given the necessary monetary resources. The current allocation of $500 per Amnesty applicant, as you can see, will be nowhere near sufficient. And let us remember that if this district and other educational agencies are not able to meet the need and to provide for them—not only the language instruction, but also the citizenship instruction, we will be delegating these individuals to the same existence and persecution that they were in before this Amnesty provision.

Mr. Chairman, distinguished members of the Committee, if we are serious in our task of providing an equal opportunity for all children and adults in education, we must consider the concerns and issues that become obstacles to obtaining the full benefits of our democracy for thousands to want to become permanent legal residents. We must consider the current involvement in the Los Angeles Unified School District proof that given an opportunity, these individuals are productive participants. Given full ESL and Citizenship instruction, they are ready to be the entrepreneurs and dedicated family members of the future in our communities.

Finally, I would like to end with a thought related to me recently about a person who has taken the first steps to becoming legal through the amnesty process. And it is, "I came to this Country with the hope of finding a better life, and maybe someday returning to my homeland. I had no papers with me. Now I have a family and a job. Had it not been for the Amnesty law, I would constantly be thinking of being sent back, and leaving behind all that I have worked for. I feel good now because I can be legal. My children will have a better future, and we all will have peace of mind. Now, I must learn English." I thank you, Mr. Chairman.

[The prepared statement of Letecia Quezada follows:]

TESTIMONY

UNITED STATES CONGRESSIONAL
FIELD HEARING

EDUCATION AND LABOR COMMITTEE

UNITED STATES HOUSE OF REPRESENTATIVES

THE IMPACT OF

THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

Congressman Augustus F. Hawkins
Chairman

September 28, 1987
Evans Community Adult School
Los Angeles Unified School District
Los Angeles, California

Leticia Quezada
Member
LOS ANGELES BOARD OF EDUCATION

I. INTRODUCTION

Mr. Chairman, members of the Committee, as a member of the Los Angeles Board of Education, I wish to express my appreciation for the opportunity to address this committee and to submit for the record, written testimony regarding the impact of the Immigration Reform and Control Act of 1986, and the State Legalization Impact Assistance Grants on the Los Angeles Unified School District, the second largest school district in the nation.

II. BACKGROUND

Mr. Chairman, the Los Angeles Unified School District prides itself in providing the best quality of education to the students in the District. Indeed, this pride is particularly enhanced by the multicultural diversity of the population we serve. Los Angeles has recently come to be known as the new Ellis Island of the U.S. In reality, we have been serving immigrant and refugee young and adult students for many years. Thus, we feel especially ready to provide the educational services needed by those individuals who will be applying under the amnesty provisions of the Immigration Reform and Control Act of 1986. With this in mind, we want to take note of important concerns and issues affecting the legal residency status of hundreds of thousands of people who now seek to come out from under the shadow of fear and exploitation of being undocumented in these United States.

The new immigration law and the proposed Rules as set forth by the Department of Health and Human Services pose programmatic, administrative and fiscal challenges for providers of educational services. Nowhere are these challenges greater than in the Los Angeles area. All estimates of the anticipated numbers of amnesty applicants within Los Angeles county are expected to amount to over one million.

The California State Departments of Education and Finance and the United States Department of Health and Human Services estimate the amnesty applicant population in California to be in excess of 1,600,000. Of this population, it is estimated that the overwhelming majority are Latinos.

III. MAJOR CONCERNS

I wish to make this committee aware of two major concerns.

First: In education, we view the new immigration law from a different perspective than the INS. It is NOT just another immigration program to naturalize aliens! But rather, we view this new law, as an opportunity to serve local constituents while ending the unjustified persecution of undocumented aliens.

In education, we interpret the educational mandates of the Immigration Reform and Control Act of 1986 as an opportunity to provide a valuable service to thousands who are seeking future opportunities as American citizens with full status. We welcome the challenge to help children and adults reach their goals of full political, social and economic partnership with other Americans.

The new immigration law, enacted by Congress, is truly historical and is landmark legislation of the first magnitude. It is changing the lives of thousands of our students, of our residents, and of our citizens. It is just not another immigration law as some would want us to believe.

Second: I call to your attention the inequity of the present system in the planned allocation of Assistance Grants funds in the state.

It would seem, that the dispersal of grant funds, by design, has resulted in a program that attempts to hamper the ability of the educational system to deliver quality educational services. I would urge that in the future the State Department of Education and local school districts have major roles in the development and implementation of the educational mandates of the Immigration Reform and Control Act of 1986. That role was denied to entities in the State of California. We have a quality system in place. Let's make use of it.

IV. ISSUES

The proposed rules allow a maximum of $500 per applicant for the provision of educational services. Our District believes, as does the National Association of Latino Elected Officials (NALEO), that this amount will not cover the costs that will actually be incurred by educational service providers.

I wish to address three significant issues related to this funding allotment that we believe will have a major negative impact on local educational agencies as they seek to address the need to provide educational services.

First Issue: The present guidelines state that a large number of aliens had the skills to speak English when they came to the United States or have learned English skills since they arrived, and thus, have no need of educational services.

Response: The experiences of our District, and that of other local agencies, indicate that the opposite is more likely to be true. Most potential amnesty applicants will require some degree of English language instruction to acquire English fluency.

In fact, the Catholic Charities agency in Los Angeles, which has a major involvement in the amnesty preparation program also concurs with our findings. One of the Archdiocese pastors, Father Luis Valbuena, recently identified several thousand local residents who have volunteered to help adults acquire English language skills. They, too, understand and appreciate the urgency of learning English. And they, too, recognize the impact the immigration law is having and will continue to have on our educational system. Acquiring a second language takes time, a long time.

Second Issue: The State Legislation Impact Assistance Grants guidelines does not mention the problem of illiteracy in the primary language. Illiteracy in Spanish affects thousands of Latino applicants.

Response: In practice, our District will have an additional challenge to teaching English - we must first teach these amnesty applicants how to read and write in their own native language. This challenge will be faced by thousands, given the high Latino population in our District. So, learning English will take a little longer time for some.

Third Issue: Even if the United States Department of Health and Human Services assumption on minimal need for ESL instruction should be accurate, the knowledge of United States history and government possessed by amnesty applicants is still likely to be insufficient to qualify for permanent residency, and instruction in these subjects must be provided.

Response: The State Department of Education estimates 35% of the amnesty applicant population may need some 240 hours of citizenship (U.S. History and Government) instruction.

Our District can meet this challenge given the necessary monetary resources.

V. SUMMARY

Mr. Chairman, distinguished members of the committee, if we are serious in our task of providing an equal opportunity for all children and adults in education, we must consider the concerns and issues that become obstacles to obtaining the full benefits of our democracy for thousands who want to become permanent legal residents. We must consider that current enrollments in the Los Angeles Unified School District prove that, given an opportunity, these individuals are productive participants. Given ESL and Citizenship instruction, they are ready to be the entrepreneurs and dedicated family members of the future in our community.

Finally, I would like to end with a thought related to me recently about a person who has taken the first steps at becoming legal through the amnesty process:

"I came to this country with the hope of finding a better life and maybe some day returning to my homeland. I had no any papers with me. Now I have a family and a job. Had it not been for the amnesty law, I would constantly be thinking of being sent back and leaving behind all that I have worked for. I feel good now because I can be legal. My children will have a better future and we all will have peace of mind. Now I must learn to speak English."

Thank you Mr. Chairman.

Chairman **Hawkins**. Thank you, Ms. Quezada.

The next member, Mr. Warren Furutani, is a member of the Los Angeles City Board of Education.

STATEMENT OF WARREN FURUTANI, MEMBER, LOS ANGELES CITY BOARD OF EDUCATION

Mr. **Furutani**. Thank you, Mr. Chairman. Distinguished members of the Committee, it is my honor and pleasure to be able to present and have a discussion with you this morning with regards to the issues at hand. It is also a pleasure for me to sit at this table with this panel. To the right of me, we have the first Latina that has been elected to the Los Angeles Board of Education, our new Superintendent of Schools, Dr. Leonard Britton, one of the main requirements for his selection was the fact that he comes from the school district that has great and deep experience working with Immigrants in Dade County. We also have a staff that is supported by two strong deputy superintendents that have extensive history and experience working with our different and diverse communities in the Los Angeles area.

I am also pleased to sit at this table with the president of the largest teachers' union in the State of California. They have in their hands the responsibility on a day to day basis to work with this diverse community. Their sensitivity, their awareness, their willingness to work with the Board and with the issue have been proven time and time again.

I would also like to say that I had a chance, the other day on Saturday, to spend a brief afternoon with Congressman Martinez. We were in Southgate for a bicentennial Congressional program, and it was very interesting because I got a very basic primary civics and history lession that actually I needed to have redone for me. It has been quite a while since I studied those basic things. But as we looked at the 19—the many different issues that we looked at in 1776, the preceding events that took place, I was very surprised and interested that the many challenges that the new Americans of that day had to overcome. Whether it was the noted Boston Tea Party, or those many different issues of concern and discussion over the writing the Constitution, the challenge of the new Americans in 1776 was very enormous and also the challenge that they had and they took on.

I think this is very appropriate to discuss in the context of the challenge of the new Americans today. In terms of looking at that challenge, we have an America that is more diverse than it has ever been. We, in Los Angeles, in a point of entry sitting on the Pacific basin that is now being called more a pond than an ocean. We are in a time of change, whereby the people coming into our nation through the points of entries, are finding that their first contact with the institutions of our democracy oftentimes are our public schools.

I think at that point of entry where they come to our public schools, this is an appropriate and a very convenient place for us to deal with their needs and their concerns. It is very clear to me in looking at what the issues are that the Act that we are talking about today has provided a vehicle to deal with that situation.

But in looking at the new America that we look at in 1987, it is not a homogenous group. We are not talking about just a diversity of religion. We are not talking about just diversity of people coming from Europe. We are talking about people who come from all over the United States, who have traveled many many miles, under many strenuous considerations. There is a term that is used in the Immigrant community in the pascal, FOB, fresh off the boat. We have to have—things have changed, change our terminology as well, because today it is FOP, fresh off the plain.

These are the peole that are coming to the Americas, and these are the people that will make a new America. As we stand, as the insitution that is on the front line of dealing with these new Americans, we have been continuously responding to the educational needs and challenges of our new immigrants. Whether it is Kindergarten through 12th grade, we have reintensified our concern around bilingual education. At this very school where we are having these hearings, if you look at the number of thousands of people we have turned away, we could open two more schools easily with regards to the concerns that the people have about getting an education.

But the issue at hand, in terms of dealing with Amnesty is a very complex one, as you well know. It is as complex and diverse in its concerns and issues as the population we are trying to deal with. There is some discussion in reference to the participation of Asian Civic Americans in regards to the Amnesty program. It is clear that the numbers expected, it is clear that the expectation that many of us had of those stepping forward have not come to reality.

There are many reasons why. Secondarily, one of the obvious ones is in dealing with the overall group of immigrants, if you take the subset of the Asian Civic American Community, it is as diverse as any. We have multiple languages. We have multiple cultures. We have many different reasons why people have come here. In that regard, it is very important, in terms of sharing the information, spreading the information to that community that we recognize to be in our ability to speak to those diversities and their concerns will fulfill the communication needed to make sure that the Amnesty Reform Act that is looked upon in the positive way that we hope.

But in terms of getting to that population, frankly speaking, whether it is the Asian Pacific or the Latino Hispanic population, really clear that the vehicle we use is critical in terms of being able to reach from our point of view to theirs. Oftentimes, in looking at the Immigration and Naturalization Services, their view and their responsibilities and their concerns oftentimes are those that make people uneasy, at best. Using them as the main vehicle to reach to those who have, until now been considered illegal, those who have had to try to hide from the system, those who have tried to be nameless and faceless in the system, to use INS as the vehicle to reach out to them, in fact, has not been the best and most appropriate way.

I think if we look at schools as the possible vehicle to bridge that gap, we will see that our doors have been open, and we will see that our doors are walked through voluntarily. The people look at the educational institutions and make up public education, from K-12, or adult education, as in fact, a port of entry for in fact, where the people's arms are open to them to embrace them in a warm hug of welcome, not in terms of a hug to hold them and keep them, and in fact, then, deport them.

I think in that relationship, people have to realize in terms of the new Immigrant as well as the Asian Pacific Immigrants in particular, there isn't much at stake. To have them deal with that fear issue and to have them cross over into our arms, we have to deal with the concern of deportation. The Asian Pacific community, if you are going to be deported, you are going to be deported for a long, long distance. Getting back from that distance is not as readily easy as other people that have immigrated from Latin America.

I think also, in the same token of conern of maintaining family unity is primary among people. People are concerned that if maybe one member of the family is given Amnesty, others of the family will be deported. The distances of deportation are not only with concern at this point, but the issue of family unity. The issue of keeping families together. The issues, frankly, of what people used as the motivation to come to this country, to have a brighter future for the whole family, is, in fact, undercut.

I think another particular concern in terms of dealing with what is at stake is people have to recognize, as you well do, the difference between an Immigrant and a refugee. If we look at the conditions upon which many people have come to this Country, it obviously was not based upon their own choice, or even upon their own concern. But in terms of making a choice of staying in a war-torn country, from which they have been pushed out, in terms of staying in a country where their fear of the government being taken over in different situations there, they have come to this Country because they have seen it as a bastion and beacon of democracy.

But I think in relationship to all of this, ladies and gentlemen, Honored members of the panel, honored members of the Committee, that we are sending mixed messages. It is interesting because in California we have just gotten done watching on the sunset of the Chacon Act, we have also seen our Governor veto AD37, which was an attempt of establishing a state-wide bilingual law. We have also been able to look on a different initiative passed, an English-only law. I think really in terms of looking at what our Immigrants are dealing with today, they are looking at the constantly mixed messages of whether they are, in fact, welcome, or in fact, whether they are not wanted.

My concern is that the Act that we are dealing with today not be a continuation of those mixed messages. My concern that as we say we want them to be citizens of this Country, and we want them to be participants of this Country, that we, in fact, provide the vehicles that can make that a reality. In order to do that, I think we have to make sure that we deal with the classes that are necessary to take them the full way—the full distance to becoming what we want them to be—full participants in Society.

In September of 1986, just to give you an idea of the numbers we are dealing with, we have 20,000 people who were turned away from adult ESL classes in our district. In February, 1987, another 20,000 were not enrolled. In the summer of 1987, 15,000 in the first two weeks were turned away. And once again, on the first day of this school year, all ESL classes in our adult schools are closed. Applying students were told there was no more money, and there were no more classes.

Again to me, ladies and gentlemen, this is an example of the mixed messages we are sending. We are saying that we want them to learn English. We are saying there is a process to proceed through in order to be citizens and full participants of the Society. Yet, still in order to provide the vehicles to do that, we have not been able to come through.

It is my honor to be able to talk in front of this party today. It is also my honor to be able to have this opportunity to exchange from the Members of the Congress that we know have been representing our interests so well over these many years in the Los Angeles area. It is also an honor to make sure that we have the same reality in view that we recognize that in Los Angeles that we see the changing demographics in the north end of our district, which is the district that I represent, which is the seventh district, we have which was at one time known as an Afro-American community, has been changed, almost on a daily basis demographically, into a Latino community. These changes have been providing problems. These changes have been providing challenges.

I think in the context of challenges and problems, though, ladies and gentlemen, the diversity that we now look on, which is called the City of Los Angeles, we have to decide whether it is going to be a strength or whether it is going to be a weakness.

It is clear with the concern that your Committee has, it is clear with the concern of the district, in terms of the Los Angeles unified school district is concerned, that we are dealing with and we are viewing this diversity as a source of strength.

Thank you very much for this opportunity.

[The prepard statement of Warren Furutani follows:]

TESTIMONY

UNITED STATES CONGRESSIONAL FIELD HEARING

EDUCATION AND LABOR COMMITTEE

UNITED STATES HOUSE OF REPRESENTATIVES

THE IMPACT OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

Congressman Augustus F. Hawkins
Chairman

September 28, 1987
Evans Community Adult School
Los Angeles Unified School District
Los Angeles, California

Warren Furutani
Member
LOS ANGELES BOARD OF EDUCATION

INTRODUCTION

Mr. Chairman, distinguished members of the Committee: As a newly elected member of the Los Angeles City Board of Education, thank you for this opportunity to convey my deep conviction regarding the issues and challenges presented by the Immigration Reform and Control Act of 1986. It is truly a valuable opportunity when educators, legislators and policymakers can exchange ideas and beliefs regarding the issues of immigration, education and Americanization. It is also a pleasure to house this forum at Evans Community Adult School, which is undoubtedly a familiar place to many seekers of legalized residency.

II. BACKGROUND

School board members, administrators, teachers, students and their families are becoming increasingly inquisitive about the significant education provisions of the new immigration law. **Through the passage of this legislation, you have given educators an unprecedented challenge. While we have reservations about several of the conditions of the legislation, we are resolutely responding to its intent and spirit.**

Please be aware that we, in public education, have been serving the population targeted by the Immigration Reform and Control Act for a long time. Many, if not most of the Eligible Legalized Alien youth in this city, are attending English as a Second Language, Government and U.S. History classes at this very moment.

In Los Angeles, we have been responding for a great many years to the educational needs of large numbers of new immigrants of all ages. Here, and at 700 other sites, we have the delivery system in place.

Our student population is anything but a homogeneous group. They came to this country with differing educational needs and backgrounds. Students of all ages and cultures come to our schools to learn English, earn a high school diploma, acquire a job skill, and develop a cultural awareness of the United States. Our doors are open to all.

This district is continuously responding to the educational problems of immigrants. Just this month, the Board of Education resolved to intensify our K-12 bilingual education program. Our employment practices reflect sensitivity to cultural differences and ethnic diversity. Teachers are required to study multi-ethnic subjects as part of their preparation. We have education commissions which focus on American Indians, Asians and Pacific Islanders, Blacks and Latinos. With respect to the new immigration law, we have organized an amnesty-citizenship advisory board linked to community and non-profit agencies.

We are complying with the spirit of the new law, but we have concerns regarding its fundamental character.

III. ISSUES AND COMMENTARY

There are human and cultural realities which I believe should be recognized in the regulations and policies related to amnesty.

Issue: **Qualified aliens from several groups of immigrants, particularly Asians, are not applying for amnesty.**

It is particularly important to recognize the diversity and complexity of Asians who are affected by this new law. There is no common culture, language, or belief among the people of Asia and the Pacific Islands. It is crucial that those who make laws and establish policy understand this fact as they design a system for the delivery of services.

When newspapers and magazines mention amnesty in relation to Asians, they comment on the lack of applicants from this group. The articles vaguely point to a fear and low level of awareness of the process. They usually do not provide a cause for these things. I submit that part of the reason is the multi-cultural aspect of immigrant Asians. A plan which considers Asians as homogenous cannot access people who speak so many different languages and have so many reasons to be here. Law and regulations which lack the flexibility to target and serve diverse populations will have limited success for society.

The Immigration Reform and Control Act and its accompanying regulations would be well served by utilizing the educational system to a greater degree. This school site demonstrates that immigrants are comfortable and excel in an educational setting. If fear of school were an issue, we would not have so many waiting to enroll. Therefore, we should take advantage of this environment. School is a non-threatening place for immigrants who often fear institutions. If there is one common thread among Asian immigrants, it is that deportation means a trip to the other side of the globe.

Education should not be a subcomponent in our nation's immigration policy. The new law and policy would have greater participation, particularly on the part of Asians, had education, rather than the INS, been the initial point of contact and principal center for amnesty information.

Satisfactory completion of a course designed for amnesty preparation should qualify the applicant as having met the educational prerequisites. They should not be tested again by the INS. Testing is more logically and fairly done in a classroom.

Issue: Family Unity

Allow me to point out another issue that heavily impacts education. It is an issue to which everyone in this room can relate. An issue that strikes at the very core - the very foundation of education - family unity.

Mr. Chairman, the Immigration Reform and Control Act of 1986 allows families to be separated. **The concept of legalizing individual members of a family unit, while placing other members' residency status in jeopardy, is repugnant.**

People have come to this country from war-torn homelands. They have escaped from economic hardships and poverty. They have immigrated with "documents," or without them. They have traveled thousands of miles to reach "El Norte" seeking a better life for themselves and their children. And now, only to have their family unit torn apart.

Mr. Chairman, we in education must point out the critical importance of keeping the family unit together, if we hope to do an effective job at doing what we know best - educating our children, our youth and adults. This affects not only Asians, but Hispanics, as well. It affects Whites and Blacks alike. It affects the fiber of our society.

Issue: Dichotomy between Federal regulations and local reality

Mr. Chairman, many amnesty applicants, Asians and Hispanics alike, are required to learn English. But, the reality is that State law and federal laws are confusing.

I am confused! Our government has opened its arms and said, "We welcome you to be part of this great nation. Take advantage of the freedoms we have to offer. All you have to do is apply and meet the requirements set by our new amnesty law. You need to learn English and learn about our history and government."

"Once you've taken our courses and passed our exam, you will have achieved legal status." Sounds simple, but then, reality set in. In September of 1986, 20,000 people were turned away from adult ESL classes in our District. In February of 1987, another 20,000 were not enrolled. In the summer of 1987, 15,000 in the first two weeks. And, once again, on the first day of this school year, all ESL classes in our adult schools were closed. Applying students were told there was no more money to open more classes.

This action has brought in focus a fundamental contradiction. We have written a law which restricts and limits the funding for providing an educational service, such as teaching English as a Second Language to amnesty applicants who must meet requirements to gain legal residency status. However, in this state, applicants are also told that English is the official language and they must stop speaking their native language and learn English. Our invitation has become an ongoing nightmare.

Help me understand! Better yet, help our amnesty applicants understand what this immigration law is really saying. It sounds like sink or swim - you are on your own. Here's a map - sorry there's no compass.

We must open more classes to meet the demand. That's simple enough. If sufficient supplemental money is not appropriated, needed programs will not exist. Expenditures made on statewide basis for eligible legalized aliens should be reimbursed by the Federal government.

Placing a limit on reimbursement is not a wise decision. The proposed regulation to implement the new immigration law is not, in my understanding, what Congress intended to do.

VI. SUMMARY

Mr. Chairman, as we analyze what we are doing in Los Angeles, we can say with certainty that the District is continuously responding to the educational needs of immigrants. Our educational and employment practices reflect sensitivity to cultural differences and ethnic diversity. In this city, we know, and we believe, that the best investment is to make sure our new immigrants get the proper education so they can be full participants of our democracy.

We need to expand our communication resources in the primary language so that we can reach as many people who need us - in the Asian communities, in the Hispanic communities and the community at large.

The allocation of $500 per student is totally inadequate because it is not enough to deliver a quality program. I know it, and you know it! We have to go for quality if our investment is going to produce returns - that means 600 hours is needed and not 200!

The limitations established by the State on the growth of adult education programs - the CAP, as it is called, is closing the door to thousands of students who want to learn how to communicate in English.

We need the doors of our schools open - not closed - the CAP must be abolished.

When our founding fathers established a free country in this continent, the family unity was the foundation for our democracy.

We, in education, cannot divorce ourselves from the reality that the new immigration law is not living up to the principles of the spirit that brought this country to life. Family unity must be preserved and we all must work together to make sure the law is amended to reflect that spirit and principle!

Finally, never before have we had the opportunity to change the lives of thousands of people so they can live a new life and breathe a new freedom. They can say, using Martin Luther King's words, "... free at last, free at last."

Chairman HAWKINS. Thank you. The final witness is Mr. Wayne Johnson, President of the United Teachers of Los Angeles.

STATEMENT OF WAYNE JOHNSON, PRESIDENT, UNITED TEACHERS, LOS ANGELES, CA

Mr. JOHNSON. Thank you. Mr. Chairman, Honorable members of the Committee, let me begin by thanking you on behalf of myself and the 32,000 teachers of the Los Angeles Unified School District for this opportunity to present our views on these matters of such vital importance to the future of the nation.

Due to time constraints this morning, I will not be able to give the entire written testimony that we have prepared, but we do hope that you will consider the entire written testimony during your final deliberations.

Let me start by saying that we must provide the means and opportunity for everyone to receive a decent education. As Congressman Martinez said this morning, education is the equalizer, it is the ladder that makes us all have the ability to achieve in this society. This brings us to the subject at hand, the Immigration Reform Act of 1988 and its implementation. We are well aware of its meaning and its intent. One of the most critical areas of the Act is the requirement for all Amnesty applicants to enroll within one year in an educational program that includes English, history and government. Immigrants must receive the tools to become fully participating members in our society. The best estimates are that more than 1.6 million people will be required to register for these classes in California alone.

Last year, as previously stated, Los Angeles Unified School District was forced to turn away more than 40,000 people who wanted to enroll in adult English classes. We have the classrooms and the teachers, but we do not have the funds.

What will happen if there are not enough classrooms to meet the needs of these applicants? Is this some sinister kind of manipulation by the people who wrote the bill to deny true immigrant status to these people and allow them to remain in this Country? The United Teachers of Los Angeles believes that the space must be provided in the existing adult education program. We would, therefore, agree to allocate a significant portion of California's 550 million, if that is, in fact, the amount of money, to the adult education program. We do not propose to get into the question of how these funds are moved from allocation to the classroom. That is the job of the administration and the system, and I can tell you from this exhibit, and they have one here, I have given a lot of thought to the mechanics. And that is all that I can find in the information, frankly, is mechanics.

In all of these hundreds of pages, there is not one page on the philosophy of education, or the fedagogy of teaching, or the learning of a new language.

I do not mean to denigrate the efforts and abilities of my administrative colleagues, I merely want to point out that in matters of education, the teachers must take the lead.

After we have made the educational decisions that will be the administrator's job to get the supplies to the students to the classrooms. Teachers have, for training and experience, the most complete knowledge of what will and will not work in the classroom. We can design a program that can achieve its goals, while without our input the system is almost guaranteed to fail.

As a case in point, we should look at the bilingual educational program developed by the Los Angeles Unified School District, which is of particular relevance to the education component of the Immigration Reform Act. After ten years of attempting to develop a bilingual education program without any input of the teachers of Los Angeles, the district is still 4,000 bilingual teachers short, and trying to make the waiver system work.

Briefly, the way the waiver system operates, is if a bilingual teacher is needed at a school, and a monolingual teacher refuses to sign a waiver promising to become bilingual in seven years, and we saw this, as Ms. Quezada said earlier, learning a language is a long, difficult process, then monolingual teachers then transfer from a school.

Through this bit of creative administrative paperwork, the Los Angeles school district has tried to convince itself and the State that it is meeting the needs of bilingual students. The district will never provide effective education for students if it does not adopt a new policy. The reasons why the policy has not and will not succeed are numerous.

First, you cannot simply order someone to learn a new language. Some of us just do not have the facility with languages. As the result, the failure of bilingual certification testing over 90 percent in Los Angeles.

Second, the waiver program forces a teacher to learn a second language on their own time, and at their own expense, an unrealistic burden.

Third, and perhaps most telling of all, policy does not recognize the reality of life in Los Angeles classrooms. Los Angeles is in need of multilingual capabilities, with 84 native languages spoken in our school district.

But instead of working with us to develop a reasonable response to this problem, the district has given us a popsicle stick countersolution. If we need "x" number of bilingual teachers, we will make them sign "x" number of waivers. They think that just because something is on paper, the problem is solved. Even the Soviets have appeared to have abandoned that type of simple-minded planning.

These rigid approaches that measure their success by the number of signatures that they were able to exort from under pressure cannot work and will not work. All the waiver succeeds in doing is putting off the day of reconing and increasing the damage done to students who need bilingual help.

We would strongly urge this Committee to recommend that a significant portion of the funds made available to the State of California for the Immigration Reform Act be ear-marked for teachers of the K-12 grades who wish voluntarily to get certification in another language. Designation of a portion of these funds to be used exclusively for assistance to teachers in voluntarily achieving bilingual certification would be a tremendous help where it is in most need, in the classroom. This would ensure the educational services that are provided across the full educational range, from Kindergarten to adult education. If we are sincere in our committment to the children of Immigrants, and to the Immigrants themselves, we are obliged to give them this minimum level of assistance in entering into the mainstream of American life.

Mr. Chairman, Honorable members, I thank you for this opportunity to testify, and I am ready to answer any questions that you may like to ask.

[The prepared statement of Wayne Johnson follows:]

Wayne Johnson, President
United teachers of Los Angeles

Johnson UTLA

MR. CHAIRMAN, HONORABLE MEMBERS OF THE COMMITTEE, LET ME BEGIN BY THANKING YOU ON BEHALF OF MYSELF AND THE 32,000 TEACHERS OF THE LOS ANGELES UNIFIED SCHOOL DISTRICT FOR THIS OPPORTUNITY TO PRESENT OUR VIEWS ON THESE MATTERS OF SUCH VITAL IMPORTANCE TO THE FUTURE OF THE NATION.

YOU HAVE UNDERTAKEN TO ADDRESS TWO TOPICS WHICH HAVE, IN ONE FASHION OR ANOTHER, BEEN THE SUBJECT OF DEBATE AND DISCUSSION FROM THE VERY EARLIEST DAYS OF OUR COUNTRY. FOR THE HISTORY OF THIS NATION IS, LITERALLY, THE HISTORY OF IMMIGRANTS AND EDUCATION.

IT IS A NEAR SEAMLESS STORY OF MOVEMENT, INDIVIDUALLY AND IN GROUPS, TO, AND THROUGHOUT THIS LAND, IN SEARCH OF BETTER OPPORTUNITIES FOR THEMSELVES AND THEIR FAMILIES. WHETHER WE ARE CONSIDERING THE FIRST SETTLEMENTS AT ST. AUGUSTINE, AND PLYMOUTH ROCK, OR STEINBECK'S "JOADS" DRIVEN WEST BY THE DUSTBOWL WINDS OF THE THIRTIES, WE ARE SPEAKING OF THE SAME PEOPLE DRIVEN BY THE SAME NEEDS. THEY ARE THE POOR AND DISPLACED, LOOKING FOR AN OPPORTUNITY TO WORK AND EARN THEIR WAY, A CHANCE FOR A BETTER LIFE FOR THEMSELVES AND THEIR CHILDREN.

AND WHETHER WE ARE SPEAKING OF THE WAVES OF IRISH WHO FLOODED THE NORTHEAST IN A FLIGHT FROM FAMINE AND POVERTY, OR THE CHINESE WHO CAME TO THE "GOLDEN MOUNTAIN" TO BUILD THE RAILROADS, ALL WERE MET WITH FEAR, DISTRUST, AND EXPLOITATION BY THOSE WHO HAD COME BEFORE THEM.

NONE MORE SO THAN THE BLACK MEN AND WOMEN WHO FIRST ENDURED THE FORCED MIGRATION OF SLAVERY, AND LATER THE GREAT MOVEMENT OF THEIR DESCENDANTS FROM SOUTH TO NORTH, SEARCHING, LIKE EVERY OTHER GROUP BEFORE OR SINCE, FOR JOBS AND OPPORTUNITY.

IN EACH INSTANCE, THE NEW ARRIVALS RECOGNIZED IMMEDIATELY THAT THEIR GREATEST OPPORTUNITY LAY IN EDUCATION. ONCE THE BASIC NEEDS OF FOOD AND SHELTER HAD BEEN SECURED, EDUCATION WAS THE TOP PRIORITY IF NOT FOR THE ADULT IMMIGRANT THEN CERTAINLY FOR THE CHILDREN. IT WAS AMERICA'S SYSTEM OF FREE PUBLIC EDUCATION THAT MADE IT POSSIBLE FOR THE HUNDREDS OF CULTURES AND LANGUAGES BROUGHT TO THIS SHORE TO CONTRIBUTE THEIR SHARE TO AMERICA'S DYNAMIC GROWTH.

IT WAS ALSO THROUGH THIS SYSTEM OF FREE PUBLIC EDUCATION THAT THE PHILOSOPHY OF DEMOCRATIC GOVERNMENT AND PUBLIC PARTICIPATION WHICH HAD GUIDED THIS NATION, WAS TO BE PRESENTED TO THE NEW IMMIGRANTS. AMERICA'S EDUCATIONAL SYSTEM HAS PLAYED NO SMALL ROLE IN THE REMARKABLE SUCCESS OF THIS GREAT EXPERIMENT IN DEMOCRACY.

IT IS NO ACCIDENT THAT THE LANDMARK CIVIL RIGHTS DECISION WHICH MARKED THE BEGINNING OF THE END FOR SEGREGATION AND JIM CROW WAS BROWN vs. THE BOARD OF EDUCATION.

EDUCATION WAS AND IS THE KEY TO EQUALITY AND PROGRESS. ACCESS TO EDUCATION IS ACCESS TO THE FUTURE, AND IF YOU WOULD CONDEMN AN INDIVIDUAL OR A GROUP TO SUBSERVIENCE AND DEPENDENCE, YOU NEED ONLY DENY THEM ACCESS TO EDUCATION.

JUST AS TRUE, IS THE STATEMENT THAT IF OUR COMMITMENT TO EQUALITY AND PARTICIPATION FOR ALL MEMBERS OF OUR SOCIETY IS TO MEAN ANYTHING, WE MUST PROVIDE THE MEANS AND OPPORTUNITY FOR EVERYONE TO RECEIVE A DECENT EDUCATION.

THIS BRINGS US TO THE SUBJECT AT HAND, THE IMMIGRATION REFORM ACT OF 1986 AND ITS IMPLEMENTATION.

WE ARE ALL WELL AWARE OF THE MEANING AND INTENT OF THE IMMIGRATION REFORM ACT OF 1986 AND, THEREFORE, I WILL NOT GO OVER IT IN DETAIL, OTHER THAN TO SAY THAT I BELIEVE IT WAS A GOOD FAITH EFFORT TO DEAL WITH A TERRIBLY DIFFICULT SITUATION. WHILE RECOGNIZING THERE ARE STILL MANY AREAS WHICH NEED FURTHER WORK, THE BILL AFFORDS MILLIONS THE OPPORTUNITY TO EMERGE FROM THE SHADOW WORLD OF THE UNDOCUMENTED ALIEN WHERE THE PREDATORS RULE...... A WORLD WHERE THEY WERE SUBJECT TO CONSTANT FEAR, INTIMIDATION AND EXPLOITATION.

IN MY ESTIMATION, ONE OF THE MOST CRITICAL AREAS, IS THE REQUIREMENT PLACED ON ALL AMNESTY APPLICANTS TO ENROLL, WITHIN ONE YEAR, IN AN EDUCATION PROGRAM THAT INCLUDES ENGLISH, UNITED STATES HISTORY AND UNITED STATES GOVERNMENT.

IT IS NOT ONLY REASONABLE, BUT HIGHLY DESIRABLE, TO INSURE THAT APPLICANTS FOR LEGAL RESIDENCY ENROLL IN A PROGRAM OF THIS NATURE TO INSURE THAT THEY RECEIVE THE PROPER TOOLS TO BECOME FULLY PARTICIPATING MEMBERS OF OUR SOCIETY. HOWEVER, IT IS OUR DUTY TO INSURE THAT WHEN WE TELL PEOPLE THEY MUST ENROLL IN CERTAIN COURSES, THERE ARE CLASSES AND TEACHERS AVAILABLE TO TAKE THEM. IT IS ALSO INCUMBENT ON US TO INSURE THAT THESE CLASSES ARE AVAILABLE THROUGH THE PUBLIC EDUCATION SYSTEM AT MINIMUM COST.

THE BEST ESTIMATES ARE, THAT MORE THAN 1.6 MILLION PEOPLE WILL BE REQUIRED TO SIGN UP FOR THESE CLASSES IN CALIFORNIA ALONE. HOW ARE WE EXPECTED TO DEAL WITH THIS FLOOD OF WOULD-BE STUDENTS? THE ADULT EDUCATION PROGRAMS OF THE LOS ANGELES UNIFIED SCHOOL DISTRICT ARE INSUFFICIENT TO MEET THE DEMANDS ALREADY PLACED ON THE SYSTEM.

LAST YEAR WE WERE FORCED TO TURN AWAY 40,000 PEOPLE WHO WANTED TO ENROLL IN ADULT EDUCATION ENGLISH CLASSES. THEY WERE TURNED AWAY BECAUSE WE DO NOT HAVE THE FUNDS TO PAY FOR CLASSROOMS, TEACHERS OR SUPPLIES TO MEET THE DEMAND. WE HAVE THE TEACHERS AND THE CLASSROOMS. WE DO NOT HAVE THE FUNDS.

AND SO, WHAT IS LEFT TO THE UNDOCUMENTED WHO ARE TRYING DESPERATELY TO QUALIFY UNDER ALREADY STRINGENT CONDITIONS OF THE LAW? IF WE ARE NOT ABLE TO OFFER THEM THE NECESSARY COURSES, WE PUSH THEM BACK INTO THE TWILIGHT, INTO THE HANDS OF THE EDUCATIONAL COYOTES WAITING TO PREY ON THEM.

WE ARE ALREADY SEEING THE "AMNESTY SCHOOLS" BEING SET UP BY SHARP-EYED PROFITEERS WHO RECOGNIZE THAT THE GOVERNMENT HAS CREATED A CAPTIVE MARKET FOR THEM. NO ONE PRETENDS THAT THESE ARE REAL SCHOOLS, AND IT IS NOT CLEAR WHETHER OR NOT THE I.N.S. WILL AGREE THAT ENROLLMENT IN ONE OF THESE SCHOOLS IS ACCEPTABLE FOR THE PURPOSES OF THE LAW. IF THEY ARE ACCEPTED, IT MUST ONLY BE AFTER THE SCHOOLS HAVE RECEIVED ACCREDITATION FROM THE APPROPRIATE STATE ACCREDITATION SYSTEM.

WHAT WILL HAPPEN IF THERE ARE NOT ENOUGH CLASSROOMS TO MEET THE NEEDS OF THE APPLICANTS? WILL THEY HAVE LOST THEIR ONLY CHANCE FOR AMNESTY? WILL THEY BE DECLARED IN DEFAULT ON THEIR OBLIGATIONS UNDER THE TERMS OF THE BILL? ONE MIGHT ALMOST THINK THAT THIS TERRIBLE FLAW HAD BEEN BUILT INTO THE BILL BY THE OPPONENTS OF AMNESTY, TO GUARANTEE THAT THESE PEOPLE WOULD NOT GAIN LEGAL STATUS.

IN THIS BICENTENNIAL YEAR OF OUR CONSTITUTION, I WOULD HATE TO THINK THAT ANYONE IN OUR GOVERNMENT COULD BE CAPABLE OF SUCH CYNICAL MANIPULATION. THEREFORE, I URGE YOU TO ACT QUICKLY TO INSURE THAT WE AVOID THE PROBLEM ALTOGETHER.

IT IS THE CONSIDERED OPINION OF THE UNITED TEACHERS LOS ANGELES (UTLA), THAT THE PROPER PLACE TO PROVIDE THE REQUIRED CLASSES IS IN THE EXISTING ADULT EDUCATION PROGRAMS OF THE PUBLIC SCHOOL SYSTEM. THIS IS WHERE CITIZENSHIP HAS TRADITIONALLY BEEN TAUGHT, AND WHERE THE EXPERTISE IS TO BE FOUND, BOTH EDUCATIONALLY AND ADMINISTRATIVELY. WE WOULD THEREFORE URGE YOU TO ALLOCATE A SIGNIFICANT PORTION OF THE $550 MILLION ALLOCATED TO THE STATE OF CALIFORNIA FOR THIS PURPOSE, TO THE ADULT EDUCATION PROGRAMS.

WE DO NOT PROPOSE TO GET INTO THE QUESTION OF HOW THOSE FUNDS ARE MOVED FROM ALLOCATION THROUGH TO THE CLASSROOM. THAT IS THE JOB OF THE ADMINISTRATORS OF THE SYSTEM AND I CAN TELL FROM THIS EXHIBIT PROVIDED BY THE LOS ANGELES UNIFIED SCHOOL DISTRICT, THAT THEY HAVE GIVEN A LOT OF THOUGHT TO THE MECHANICS.

BUT THAT IS ALL THAT I FIND IN THEIR SUBMISSION... MECHANICS. IN ALL THESE HUNDREDS OF PAGES, THERE IS NOT ONE PAGE ON THE PHILOSOPHY OF EDUCATION, ON THE PEDAGOGY OF TEACHING AND LEARNING IN A NEW LANGUAGE.

THIS EXHIBIT IS NOT ABOUT EDUCATION. IT IS ABOUT "STICK COUNTING". AND "STICK COUNTING" IS THE BANE OF GOOD EDUCATION.

I DO NOT MEAN TO DENIGRATE THE EFFORTS AND ABILITIES OF ADMINISTRATORS. I MERELY WANT TO POINT OUT THAT IN MATTERS OF EDUCATION, TEACHERS MUST TAKE THE LEAD. ONCE THE PROFESSIONALS, THE TEACHERS, HAVE MADE THE DECISIONS ON THE BEST EDUCATIONAL APPROACH TO MEET THE NEEDS OF THESE MILLIONS OF NEW CITIZEN/STUDENTS, IT WILL BE THE ADMINISTRATORS' JOBS TO GET THE SUPPLIES, AND THE STUDENTS, TO THE CLASSROOMS.

BUT MANAGING SUPPLY LINES IS ENTIRELY DIFFERENT FROM SELECTING TACTICS AND GOALS, AND IN THE FIELD OF EDUCATION, TEACHERS ARE THE MASTER TACTICIANS.

WE HAVE, BY TRAINING AND EXPERIENCE, THE MOST COMPLETE KNOWLEDGE OF WHAT WILL AND WILL NOT WORK IN

THE CLASSROOM. WITH OUR INPUT IT IS POSSIBLE TO DESIGN A PROGRAM THAT CAN ACHIEVE ITS GOALS, WHILE WITHOUT OUR INPUT, THE SYSTEM IS ALMOST GUARANTEED TO FAIL.

AS A CASE IN POINT, WE SHOULD LOOK TO THE BILINGUAL EDUCATION PROGRAM DEVELOPED BY THE LOS ANGELES UNIFIED SCHOOL DISTRICT, WHICH IS OF PARTICULAR RELEVANCE TO THE EDUCATION COMPONENT OF THE IMMIGRATION REFORM ACT.

AFTER TEN YEARS OF ATTEMPTING TO DEVELOP A BILINGUAL EDUCATION PROGRAM WITHOUT ANY SIGNIFICANT INPUT FROM THE TEACHERS OF LOS ANGELES, THE DISTRICT IS STILL TRYING TO WORK WITH THE WAIVER SYSTEM.

BRIEFLY, THE WAY THE WAIVER SYSTEM OPERATES IS FOR THE ADMINISTRATION TO INFORM A TEACHER AT A PARTICULAR SCHOOL THAT HE/SHE IS REQUIRED TO BE BILINGUAL. IF THE TEACHER IS WILLING TO SIGN A WAIVER STATING THAT HE/SHE WILL ATTAIN BILINGUAL CERTIFICATION WITHIN SEVEN YEARS, HE/SHE MAY STAY AT HIS/HER PRESENT SCHOOL. IF THE TEACHER IS UNWILLING TO SIGN SUCH A WAIVER HOWEVER, HE/SHE IS TOLD HE/SHE WILL BE IMMEDIATELY TRANSFERRED.

THROUGH THIS BIT OF CREATIVE ADMINISTRATIVE PAPERWORK, THE LOS ANGELES UNIFIED SCHOOL DISTRICT HAS TRIED TO CONVINCE ITSELF AND THE STATE THAT THEY ARE MEETING THE NEEDS OF BILINGUAL STUDENTS. I CAN TELL YOU CATEGORICALLY THAT THIS IS NOT TRUE, AND MORE IMPORTANTLY, THE DISTRICT WILL NEVER PROVIDE EFFECTIVE EDUCATION FOR STUDENTS IF IT DOES NOT ADOPT A NEW POLICY. THE REASONS WHY THE POLICY WILL NOT SUCCEED ARE NUMEROUS.

FIRST, YOU CANNOT SIMPLY ORDER SOMEONE TO LEARN A NEW LANGUAGE, LET ALONE DEVELOP THE FLUENCY TO TEACH IN IT. ANY ONE OF US MIGHT LEARN ANOTHER LANGUAGE WELL ENOUGH TO BE CONVERSANT, BUT THAT IS A FAR CRY FROM BEING ABLE TO EXPLAIN A MATHEMATICAL THEOREM. AND SOME OF US JUST DO NOT HAVE A FACILITY WITH LANGUAGES. AS A RESULT, THE FAILURE RATES FOR BILINGUAL CERTIFICATION ARE VERY HIGH.

SECOND, THE DISTRICT IS PLACING THE ENTIRE LOAD ON THE SHOULDERS OF THE TEACHER. THE WAIVER PROGRAM FORCES TEACHERS TO LEARN THE SECOND LANGUAGE ON THEIR OWN TIME AT THEIR OWN EXPENSE.......AN UNREALISTIC BURDEN.

THIRD, AND PERHAPS MOST TELLING OF ALL, THE POLICY DOES NOT RECOGNIZE THE REALITY OF LIFE IN A LOS ANGELES CLASSROOM OR A CLASSROOM IN ANY MAJOR METROPOLITAN AREA. LOS ANGELES IS IN NEED OF A MULTI-LINGUAL CAPABILITY, NOT JUST BILINGUAL.

OUR PLAYGROUNDS SOUND LIKE THE GENERAL ASSEMBLY OF THE UNITED NATIONS. IT IS NOT AT ALL UNCOMMON FOR A TEACHER IN LOS ANGELES TO HEAR NINE OR TEN DIFFERENT LANGUAGES IN THE CLASSROOM, NOT JUST TWO.

BUT INSTEAD OF WORKING WITH US TO DEVELOP A REASONABLE RESPONSE TO THE PROBLEM, THE DISTRICT HAS GIVEN US A "STICK COUNTER'S" SOLUTION: IF WE NEED "X" NUMBER OF BILINGUAL TEACHERS, WE'LL MAKE THEM SIGN "X" NUMBER OF WAIVERS. THEY THINK THAT JUST BECAUSE SOMETHING IS ON PAPER, THE PROBLEM IS SOLVED. EVEN THE SOVIETS APPEAR TO HAVE ABANDONED THAT TYPE OF SIMPLE-MINDED PLANNING.

I WOULD LIKE TO READ YOU OUR LANGUAGE POLICY STATEMENT ON BILINGUAL PROGRAMS. IT WAS ADOPTED OUT OF SHEER FRUSTRATION BY THE MEMBERS OF UTLA AFTER MANY YEARS OF TRYING, UNSUCCESSFULLY, TO RESOLVE THIS ISSUE WITH OUR DISTRICT ADMINISTRATORS.

> "THE PRIMARY GOAL IS TO EFFECTIVELY AND EFFICIENTLY DEVELOP FLUENCY IN ENGLISH FOR ALL BOYS AND GIRLS. WE RECOGNIZE THE CHILD'S PRIMARY LANGUAGE AND CULTURE AND WOULD PROMOTE CROSS-CULTURAL UNDERSTANDING. THIS WOULD BE ACCOMPLISHED BY AN IMMERSION PROGRAM IN ENGLISH WHICH WOULD INCLUDE INTENSIVE ESL (ENGLISH AS A SECOND LANGUAGE). BILINGUAL AIDES WOULD OFFER NATIVE LANGUAGE ASSISTANCE. THIS WOULD CREATE AN ORDERLY TRANSITION TO ENGLISH LANGUAGE FLUENCY. A SECOND LANGUAGE COULD BE OFFERED FOR ENRICHMENT FOR ALL STUDENTS IN CHINESE, FARSI, GERMAN, KOREAN, SPANISH, ETC., IF THE LOCAL SITE HAD THE RESOURCES. TEACHER WAIVERS WOULD BE ELIMINATED."

WE BELIEVE THAT THIS IS A MUCH MORE ORDERLY AND WORKABLE APPROACH TO THE ENTIRE QUESTION, AND IT IS A QUESTION THAT MUST BE ADDRESSED IN THE PROGRAMS UNDER THE IMMIGRATION REFORM ACT 1986 AS WELL AS IN THE CLASSROOM.

RIGID APPROACHES THAT MEASURE THEIR SUCCESS BY THE NUMBER OF SIGNATURES THEY ARE ABLE TO EXTORT UNDER PRESSURE, CANNOT WORK AND WILL NOT WORK. ALL THE WAIVER SUCCEEDS IN DOING, IS PUTTING OFF THE DAY OF RECKONING, AND INCREASING THE DAMAGE DONE TO STUDENTS WHO NEED BILINGUAL HELP. IT FURTHER EXACERBATES THE PROBLEM OF LOW MORALE. OUR TEACHERS ARE FULLY COMMITTED TO MEETING THE NEEDS OF ALL STUDENTS. THIS IS MOST DIFFICULT IN THE CLIMATE WHERE THE "BEAN COUNTER"-MIND SET PREVAILS.

WE WOULD STRONGLY URGE THIS COMMITTEE TO RECOMMEND THAT A SIGNIFICANT PORTION OF THE FUNDS MADE AVAILABLE TO THE STATE OF CALIFORNIA THROUGH THE IMMIGRATION REFORM ACT, BE EARMARKED FOR TEACHERS IN THE K-12 GRADES WHO WISH, VOLUNTARILY, TO GET CERTIFICATION IN ANOTHER LANGUAGE. AND MAKE NO MISTAKE, THERE WOULD BE NO SMALL NUMBER IF THE APPLICANTS WERE DULY COMPENSATED. OUR MEMBERS HAVE BEEN ASKING THIS ALL ALONG.

IT IS ENTIRELY APPROPRIATE TO TAKE THIS ACTION IN THAT THE K-12 ARE ALREADY TAKING ON THE DUTY TO EDUCATE THE CHILDREN OF THE UNDOCUMENTED WORKERS APPLYING FOR AMNESTY. OTHER FUNDS HAVE BEEN ALLOCATED FOR ADMINISTRATIVE COST RELIEF.

DESIGNATION OF A PORTION OF THESE ADDITIONAL FUNDS TO BE USED EXCLUSIVELY FOR ASSISTANCE TO TEACHERS IN VOLUNTARILY ACHIEVING BILINGUAL CERTIFICATION, WOULD BE A TREMENDOUS HELP WHERE IT IS MOST NEEDED....IN THE CLASSROOM.

THIS WOULD INSURE THAT EDUCATIONAL SERVICES ARE PROVIDED ACROSS THE FULL EDUCATIONAL RANGE, FROM K-12 TO ADULT EDUCATION. IF WE ARE SINCERE IN OUR COMMITMENT TO THE CHILDREN OF IMMIGRANTS, AND TO THE IMMIGRANTS THEMSELVES, WE ARE OBLIGED TO GIVE THEM THIS MINIMUM LEVEL OF ASSISTANCE IN ENTERING INTO THE MAINSTREAM OF AMERICAN LIFE.

MR. CHAIRMAN, HONORABLE MEMBERS, I THANK YOU FOR THIS OPPORTUNITY TO TESTIFY AND AM READY TO ANSWER ANY QUESTIONS YOU WISH TO ASK.

Chairman **Hawkins**. Thank you, Mr. Johnson.

Dr. Britton, in your prepared statement, you indicated that services would need to be provided to elementary and secondary students in order to enable them to meet the requirements of legal residency. May I ask you, how would you respond to the assertion made that this is a part of the current basic education system, and that it is expected that it would be provided through the normal channels currently, and therefore would not need the extra funding of federal dollars to do, more or less what is expected to be done normally at the state level. This was behind the attempt in the Conference to undercut the efforts of this Committee to get funds into education, as opposed to health and welfare

Dr. **Britton**. There are two parts, of course, when you talk of the adults, and as you centered in on the elementary and secondary portion. Some of it is being done, no question. We are doing the best we can within the regular curriculum, whether it be in social studies, history, language development. But it is just not enough.

One of the things, you have an 18-month window period here which people are to apply and get themselves ready for the efficiency, not only in language, but in the citizenship, which is not enough time within the regular program. We are going to have to go over and above what we are already doing. We will build on what we are starting with the elementary and second grade, but we have to provide it.

Chairman **Hawkins**. Well, let us assume that the constraints that you mentioned, which this Committee feels very strongly about, that those constraints are actually misreading of the laws. I do not want anyone to assume that we came to Los Angeles with perfectly open minds. The minds, I think, of my Committee, are very much closed on this subject, that the Department, meaning Health and Human Services, is misreading the intent of the law, so we do not argue that. That is already settled in our minds. It is trying to get the regulations interpreted as we think the law intended for them to be.

But let us assume that that does not happen. What do you think would actually result, then in trying to implement the law as it was passed, and as it has been misinterpreted by the Department of Health and Human Services? What would be the practical result of that at a local level? Let us use the LA Unified School District.

Dr. **Britton**. You will find that the students who are going through the program will not have sufficient time to complete their requirements. They would not be able to be certified. Whatever the system is, through testing, or analysis or assessment, that they are qualified. And you will have, literally, hundreds of thousands of people who would not be able to stay in this particular Country. We would just not be able to serve the students, or provide them with the kinds of services that they are really required.

I would hope that what would be done, in terms of as you look at this, the flow of funding from the federal level, to the state department, let us say, coming to the educational field directly, rather than through some subsidiary field, either the Governor's office or the Health and Human Services office. Perhaps one way is like other federal funding that is available.

If education is the backbone of what this is all about, there is no reason why the federal funds should not go to the state department, then to the school directly. And we need to get the money there quickly, or these people will not be served.

Ms. **Quezada**. Mr. Chairman, if I might add to that. The assumption of a three year rule places a very heavy burden on the LA Unified School District in one applicant has one year, versus another applicant has two years, versus another applicant has two months. It is an additional administrative requirement, and we, frankly, do not want to be in a position to have to do that, especially when it comes to adults. Our adult education program does not really—would not really want to see whether an Amnesty applicant was enrolled, how many semesters, or how many years in a program.

I think our suggestion on the issue of proficiency testing, and proficiency in terms of English, and also proficiency in terms of government and U.S. history is a much more effective way of looking at this need. And also, proficiency that would be rendered and assessed by the educational institutions, not by another agency, I think is very important. We do not want to be in a position to have to go through school records to certify that student "x", whether he or she is five years old, or he or she is 18 years, has made it and is outside that three year limitation. We just do not want to be part of that.

Chairman **Hawkins**. Thank you. Well, let me yield at this time to Mr. Martinez, but may I indicate that the mandate to have education included was a byproduct of two individuals on the Education and Labor Committee, Mr. Goodling, the Republican ranking member at the time, and his proposal was modified by Mr. Martinez to make sure that the framework for guaranteeing that education would be included, expanded and clarified, and I think his contribution in that regard was in the right direction, and I certainly want to pay tribute to him as an active member of the Education and Labor Committee.

Mr. Martinez.

Mr. **Martinez**. Thank you very much, Mr. Chairman. I was only able to do it with the able leadership of the Chairman of this Committee.

Let me clarify something.

When our Honorable Speaker, who was not yet the Speaker, proposed that amendment on the floor that they be required to have English, history of government—be enrolled in, was the way he phrased it, and that is the terminology he used continually in pushing for the amendment—what he proposed was that they have proof that they were enrolled in those classes. Nowhere did he mention—in his legislation, or in his amendment or in his debate on the amendment—that by the end of an 18 month period they would have to be proficient. It is impossible to believe that people who come in from other countries especially South American countries, and some of the Asians coming in from the Asian countries, who have had no formal education in their own countries, who do not have a grasp of English grammar, would be able to learn in that period of time, history and government when they first must have the ability to understand and read and write English in an academic way to understand those subjects.

And so, you are right, when you say, Dr. Britton, that there is no way you can do it in 18 months. That is an unrealistic expectation. But what disturbed me about the whole thing, and why I have continually communicated with you on this, and asked for a definition as to whether this means (as the legislation was introduced), simply "enrolled"? Or does it mean that you are going to tell them at the end of that 18 month period—when it comes time to give them the legitimacy of legalization which they have now earned because they have gone through all the other process, and all the requirements, including all the health, public charge and other criteria—that now we will give you a test, and if you pass, you get it and if you do not pass, you do not get it. That does disturb me, because that has not been clarified. INS has not clarified it, and so we are concerned.

You said you have the classroom and teachers, but you need the funds. And I would agree with you when you state that the required number of hours that they prescribe are not going to be enough hours, and that the amount of money that they prescribe is not going to be enough. What would you suggest that we do in the way of legislation to make sure that the INS is not given the latitude to interpret this thing in any way they want, especially in regard to the requirement that at the end of that 18 month period they must pass a proficiency test—which I do not believe the great many of them would be able to do.

Let me clarify one thing, so that everyone here understands. When these people, and as you have stated, say that these people come with the knowledge of English or some English skills, they do. But they have conversational English, not academic English-skills. And there is a world of difference in the learning process of the two.

Dr. **Britton**. The problem is I do not know how you legislate coordination of one office with another, such as Immigration with Education or Health Services. I do not know how you legislate that except by strong Congressional language that this is the intent that must be done.

Secondly, if there is any way that education, instead of being a subservient role to INS could be equal partners or I do not know if I dare say take charge of the program, but at least get up to that point where they have a lot to say about what is going on, because really in the end, that is the heart of what it is all about. And we in education, both in Washington and Sacramento and here, locally, have a lot of experience in being able to work these programs. Take a look at all the other programs that we are operating right now in conjunction with Congress and other parts of the state. As I indicated, the Job Training program, the refugee program, and others.

I think a higher priority needs to be placed, stated very clearly and strongly on the part of Congress, that education has a priority role in all of this.

Mr. **Johnson**. I would like to say, Congressman, that we are very concerned that—like I alluded to, is this a sinister way of making something that is going to happen and then setting up guidelines to ensure that it does not happen by the very fact that the program is already tremendously underfunded, it puts great pressure on the district to try to comply, but also the time limit—I think Congress has to pass some regulations here to make these things reasonable to work with local school districts. What is a reasonable amount of time for a newly-arrived immigrant to learn English, history and government, and make that the guideline, then, for that to remain in a citizenship program. And also, I think, there has to be a realistic look at what kind of funds. We are talking about $500 a person. I talked to Bill Honig last week, and he said there is no way it is going to be $500 per person.

So the funding is going to be either considerably less per student than it appears to be—so we are very concerned that 1.6 million people that have been here for a long time, are productive, good citizens, it appears that a program has been set up that they can stay and become citizens, and now is actual implementation of the 8aw going to deny these people the opportunity that they so richly deserve. We are very, very concerned about that, and I know in our organization, we would really like to work with the Congress to set up some guidelines to see to it that this entire program is not undermined in some way and these 1.6 million people are denied what they are fully expecting and rightfully deserve to have.

Mr. Martinez. I made a note of the comment you made about whether it was——

Chairman Hawkins. Before leaving that point, could you yield to me?

Mr. Martinez. Yes.

Chairman Hawkins. May I make abundantly clear, on the point just discussed, as to the legalization part of the Act, and the time constraint, and so forth, let me make it clear that it should be understood that that part of the Act was under the jurisdiction of another Committee, the Judiciary Committee. It had nothing at all to do with this Committee, with the Education and Labor Committee. We have sequential referral only over that where we have some jurisdiction. We had no jurisdiction over that provision, so consequently we were not able to tamper with it. All that we could do was what we did, was to insist and guarantee that education be included in the Act. I do not want anyone to misunderstand that that provision you have just discussed was somewhat the creation of this Committee, or that this Committee participated in it.

Mr. Martinez. Thank you, Mr. Chairman. The Chairman is absolutely right. It is not something that I believe this Committee, on either side, would have posed, actually, because they have a better stance, to tell you the truth. But nevertheless, it was.

Let me go back to something you said about bilingual education and Native language instruction for the teachers. I understand that there was a recent vote by one of the teachers associations that condemned Native language instruction.

Mr. Furutani referred to the fact that we, at one point in his statement, and of course, he clarified it later in his statement, that we are beginning to take bold steps in developing the ability of people to learn English through a bilingual program. Rather than "bold steps", I think we have actually taken a step back, as when he referred to the Governor's veto, et cetera, et cetera. He outlined that we are talking a step back, and that people who are the English-only proponents who have taken a great deal of pride in declaring victories in those instances are people who are pushing for an English-only attitude out of ignorance rather than from wisdom. The fact is that we are a Country made up of immigrants. And most of those immigrants came here speaking another language, I had a great desire to learn English. No one is denying that English is our nation's language. It is the language by which we communicate with one another if we speak other languages. And we should understand that that when we are trying to instruct kids in basic language—in the English language that is the basic language in this Country—these children, in some instances, have a greater handicap than others, because they came here without any formal language training. Or they have parents of a low socioeconomic background who did not have the ability in their homes to give them any preinstruction—not even a good instruction in their own language.

As a Spanish speaker, I mispronounced many words going into grammar school. Even if the teacher had been bilingual, she would not have understood me. But I do not think a teacher has to be bilingual to teach limited English proficient students. The teacher is the expert, and the teacher is the proficient person in that class, and develops the lesson plan.

I think one of the reasons for frustrations on the part of teachers who have been denied seniority, I who have been transferred unjustly, is because of their not being able to have that certification to work with these students. I think that we are missing the point in this whole process. The idea here is to teach kids so that they can take full advantage of that educational opportunity. Because without it, they are going to lag behind, and they are going to become our welfare recipients.

Mr. Britton said earlier that education now deters from that welfare role later on, and he is absolutely right. And so, why do we not all work together to try to develop a system wherein when trained bilingual instructors are not available teachers can be certified as language instructors, when they have the assistance of educational personnel or aides who are fluent in the child's native language. And at some point in time, through some testing to determine at what point in time that child has developed proficiency in English and has come to that academic excellence that allows him to move into the regular classes and be taught like everyone else.

I think that our fights have caused this to deter from the main goal: the education of young people so that they can be the full, participating citizens that you referred to. I think, Warren, your speech was excellent, and I agree to it wholeheartedly.

I yeld back to you at this time.

Chairman HAWKINS. Thank you. Mr. Roybal.

Mr. ROYBAL. Thank you, Mr. Chairman. First of all, I would like to compliment Congressman Martinez for the work that he has done on the Committee. As Congressman Martinez acknowledged he would not have been able to do anything if the Chairman had not been fully cooperative.

The truth of the matter is that I consider Congressman Hawkins the leader in education in this Country. I think he and this Committee have done more for education than any other committee of the Congress of the United States. I say that because I have been there 25 years, and I have seen it.

So I would like to again compliment both Congressmen Martinez and Hawkins.

Mr. Britton, I would like to have a clear answer to the following question.

Can your district accommodate the tremendous projected enrollment increase in the Amnesty applicant population?

Dr. **Britton**. Yes, sir. Pending full funding, we can generate the teachers and the space in which this can be done.

Mr. **Roybal**. Without the funding then, you would not be able to accommodate the applicants.

Dr. **Britton**. That is correct. We see this right now.

Mr. **Roybal**. It appears that we have established that nothing can be done unless there is additional funding.

Dr. **Britton**. That is correct.

Mr. **Roybal**. Now, Ms. Quezada, you mentioned in your testimony that the new Immigration Law is the landmark legislation of the first magnitude.

Ms. **Quezada**. Yes.

Mr. **Roybal**. I want you to know that I agree with that. If the legalization and amnesty provisions were not in that piece of legislation, it would definitely qualify as the worst piece of legislation that has been passed in the Congress of the United States, at least in the last 25 years, and perhaps in this Century. It is a piece of legislation that actually writes into law the separation of families, and the status quo with regard to education. If that were not fact, we would not be here today holding these hearings.

I think that this legislation ignores education. But the past cannot be altered. You told the committee that your school district has taken extensive Planning steps in order to provide educational services to amnesty applicants. What steps have they been?

Ms. **Quezada**. We have basically installed into our district a necessary infrastructure to serve those applicants who would be coming for amnesty preparation classes. We have done all of that at our own expense, I might know, because none of those activities are funded under the current Act and its regulations.

We have put into place, not only an instructional program, how would it work, what kind of approach, for example, would we take with non-English speakers who are also illiterate in their own language, and basically for—I would like to point out to Chairman Hawkins and Congressman Martinez, as members of the Education Committee, that we want to take a bilingual education approach to educating these amnesty applicants.

We have put into place an advisory panel that would help us actually community people, other educators, who would help us and give us advice, and actually putting into place the entire program, whether we are serving 100,000 people or whether we are serving a million people. We hope to serve a million people, because, in fact, that is who will need it.

We have put into place a video program, an amnesty citizenship preparation video program, with accompanying resources that people can use, community agencies can use, so that where the district, within its own classrooms, cannot provide to the numbers of amnesty applicants, that perhaps Catholic Charities, for example, would be able to use our video program to help the 660,000 applications that they are now processing.

All of these we see as our responsibility because of the children that are to attend our schools. So we see that as our responsibility, and we are tending to it. We would hope that the Department of Education and the Health and Human Services Department would help us meet that responsibility. We are ready to meet it, and we have put into place the infrastructure to meet it.

Hopefully we will be able to serve the numbers that are—will be there, and not the limited numbers that we are now scheduled to serve.

Mr. **Roybal**. While the infrastructure is in place, is it not true that you will not be able to implement it, to service those people fully unless you have sufficient funds for it?

Ms. **Quezada**. Without a question, that is a fact.

Mr. **Roybal**. What I am trying to establish for the record is that there are people like yourselves, administrators, who have thought this thing through, who know what is needed. You have in place the mechanism that is necessary but you lack the necessary item. And that is the money that is needed to put it in place.

Mr. Chairman, I have another question that I would like to ask Mr. Furutani.

Mr. Furutani, I agree that our student population is anything but homogenous. Immigrant students come to this Country with different educational needs and backgrounds. Students of all ages and cultures come to our schools to learn English, earn high school diplomas, acquire a job skills and develop the cultural awareness of the United States. Then you went on to say, our doors are open to all.

The doors are open, but you need the funds, do you not, in order to deliver? Or can you do it with existing funds?

Mr. **Furutani**. Congressman, your point is well taken, because our doors are open, but there happen to be long lines to get in the doors. And in order to facilitate those lines moving through, your point repeatedly in reference to the funding really speaks to the one point I clearly wanted to make in terms of mixed messages. Mr. Johnson spoke to it, everybody on the panel, and as your Committee and the Congress well knows on the one hand, we are saying we want to do these things. On the other hand, in reality are we going to be able to do these things. That is the issue at hand.

Mr. **Roybal**. Mr. Johnson, what do you think it would cost per student, to put this program into place within the next 18 months?

Mr. **Johnson**. Congressman, I would have to defer to Dr. Britton on that. I think probably my guestimates would probably be ballpark figures. But it is considerably more than the $500 that was allocated in the law. And I think when I say considerably more, I mean considerably more, to do all the things that need to be done for these 1.6 million people.

Mr. **Roybal**. Well, the figure that I quoted was in the neighborhood of $1,500.

Mr. **Johnson**. I think that would probably be very close.

Mr. **Roybal**. Dr. Britton, would you agree to that—Mr. Britton. Yes, sir, I would concur with the figure of at least $1200 to $1500 depending on the fullest range of what you really want to accomplish.

Mr. **Roybal**. Thank you. Thank you, Mr. Chairman.

Chairman **Hawkins**. Mr. Torres.

Mr. **Torres**. Yes——

Mr. **Roybal**. Excuse me. An annual figure?

Dr. **Britton**. Annual figure. As long as they are there.

Chairman **Hawkins**. Hopefully the point—you would keep the point in mind that the original House bill had nothing for education, so we went from 0 to $500, which is obviously not enough, but the problem—one of the problems is that unless we unify some efforts among you who are going to have to implement this Act, we are not going to get the $500, and we are not going to get a big enough pot going to this State. So we have—I think we have to keep both in mind. We have to do the best we can with what was passed by the Congress.

Dr. **Britton**. We are prepared not only to implement the program, but if the funding has to be defended upon even a proficiency exit type of exam, we can do that. We believe we are capable enough and willing to stand by our product if we have to, rather than just to blanket a mountain.

I wish you could have been there, and I will just make this comment, sir. I wish you could have been there Saturday morning. Coincidentally I came in—I came to this school for another purpose, and here I found between 300 and 400 teachers and administrators learning about presenting ESL for adults. They were here, it was just an advertised program on staff development. They did not get paid, they did not get any extra credit points on their staff development, and I found 300 to 400 professional teachers and administrators wanting to attack this problem. And I am finding this everyplace I go out to the school system. I use this as an example of what we can do.

Conversely, I hope that some time you would have time to come to the registration desk here and see these adult people coming to the counter, and wanting to sign up for ESL, and to be told, I am sorry, we cannot accept you. I think some of your staff did on the first day.

I do not know. Take a look into their eyes. And you see something there, a concern, if not fear. I think we are bigger in this Country than that. I think we ought to extend to give everything we have possible to help them to feel welcome and to succeed in this Country.

Chairman **Hawkins**. Thank you. Mr. Torres.

Mr. **Torres**. Thank you, Mr. Chairman. Well, Mr. Chairman, while I believe in the seniority system, sometimes this is a disadvantage because I am the low man on the totem pole, and by the time you get to me all the good, tough questions have been asked. I guess what I have to do is——

Chairman **Hawkins**. Get reelected.

Mr. **Torres**. Get reelected. Is react to the comments of excellent witnesses, like Dr. Britton, and of course, from the eloquent and articulate representatives of the voters, both Ms. Quezada and Mr.

Furutani. Perhaps the last question would be one I would direct to Mr. Johnson.

He made what I thought was a rather stinging indictment on the district in his testimony, when he said that a bit of creative paperwork by the district has been used to convince itself, or convince themselves, that they are meeting the needs of bilingual students. You said the district will never provide effective education for students if it does not adopt a new policy. And you cited two items. Can you elaborate on that? I think that that——

Mr. JOHNSON. Yes, it is a rather stinging——

Mr. TORRES. A rather stinging indictment. What is the new policy?

Mr. JOHNSON. Our concern is—let me go back just one step. Our concern is that the waiver system, as you may or may not know, we have been hiring between 1,500 and 2,500 new teachers into this district every year for the last three or four years. One of the conditions for employment for these new teachers, many of whom are not fully credentialed teachers, but are emergency credentialed teachers, is that they sign a bilingual waiver to meet the quota by the State on the number of bilingual teachers, having one for every classroom with ten or more limited or non-English speaking students.

Our concern is if you take a brand new teacher, with no experience and make them sign a waiver, so that that shows the State that you are in compliance with the bilingual law, and put them into a bilingual classroom, that you are really not helping the students that are in need of bilingual instruction, because they are not capable of doing it. They have signed the paper, and they may be taking language acquisition classes, but as Mr. Martinez said earlier, it is one thing to be conversational in a language, and it is quite another to be proficient to teach in that language.

And what we—this district has failed to do is to make the bilingual program attractive enough to really enhance and pull in people that are fully bilingual. I think the last numbers that we saw that we had the need for about 6,500 bilingual teachers, right now we have about 2,500 fully credentialed bilingual people. The rest are on waiver, and we are not sure if they are really meeting the needs of the bilingual students that they are teaching. There is real concern about that.

That is really what we are talking about. It was not meant to be a stinging attack on the district. It does show our concern that in the past we have not been able to work with the district effectively to bring about what we consider to be, and I think bilingual teachers in the city consider to be, an adequate bilingual program that really meets the needs of the students. It is a bilingual program on paper. It meets the requirements of the previous state law. Everything looked in order, but we have serious doubts as to whether it was really meeting the educational needs of the students, and I think the drop-out rate of 40 percent in the Los Angeles Unified School District is somewhat prima facie evidence of the fact that probably it is not meeting the needs of the student.

So our concern is not to be argumentative or attacking. Our concern is to bring about a program that will meet the needs of limited or non-English speaking children, so that they can be properly educated and enter the mainstream of this society where they belong.

Ms. **Quezada**. I might comment, Mr. Torres, you asked what is the new policy. To that, in view of the sunset of 85 or 7 of the Chacon legislation and in view of the veto of AB.37, Willie Brown's bill, this district has taken the position that we will be in the leadership of bilingual education, and where there is an absence of state guidelines, that this district wishes to move forward, very aggressively, in defining what will be the best bilingual education program possible for our students, given our needs and given our resources.

Given our resources, to me, means that in fact the background of the bilingual program is to have full bilingual credentialed teachers. We do not have that. There is a great gap between what we have and what we need. There has been quite a criticism of the waiver program. I think there were probably two sides to that story. And just a lot of horror stories by teachers who do not like waiver programs. You will also see praising teachers who have gone through the waiver program and who have now become fully credentialed.

I, personally, am looking forward to developing this new policy, and we are beginning a series of hearings beginning this Thursday, and for five Thursdays thereafter, on bringing in testimony from individuals, from A to Z, who would have suggestions on how this district can implement an effective bilingual program.

One of the very important components of this move, or this drive, is to, in fact, enlist the support and the participation of the United Teachers of Los Angeles, and of teachers individually in this district so that we can, in fact, develop our definition of a variety of models, perhaps, of how can bilingual education programs work in this district, given 145,000 students who need such instruction, and given the fact that we do not have the 5400 bilingual teachers that we need to have for those children.

I look forward to that, and that is something that I hope to be in place, really by the end of this year, which is very quick. But a momentous task that the board has, that UTLA has, and certainly every staff member in this district has, and we look forward to meeting that challenge.

Mr. **Johnson**. Again, to maybe clear the air a bit, I would like to say that I have had discussions with Ms. Quezada and Dr. Britton on working together in the future to do exactly that. So the United Teachers of Los Angeles is very hopeful that over the next few months we will be able to work together and forge a program that will meet the needs of the students of this district, and put all this devisiveness behind us. And I think that we are going to do that, too, frankly.

Mr. **Torres**. Well, I commend the board, and I commend the teachers, for their good work on this issue.

Mr. Chairman, I yield back my time.

Chairman **Hawkins**. Thank you. The Chair would like to thank the Witnesses. I think they have been great—made a great contribution to the subject, and we certainly appreciate your presence.

The next panel will consist of Mr. Thomas Wariner, Undersecretary and General Counsel, Health and Welfare Agency of the State of California, Dr. Shirley Thornton, Deputy Superintendent, California State Department of Education, and Dr. Garland Peed, Chancellor for San Diego Community Colleges.

During this time that these Witnesses are being seated, may I acknowledge the presence of Ms. Jackie Goldberg, a board member of the Unified School District. I think I saw Mrs. Goldberg in the audience. Well, we acknowledge her anyway.

Mr. **Martinez**. There is Mrs. Goldberg there.

Chairman **Hawkins**. Thank you. We are very delighted to have you, Mrs. Goldberg.

We will hear first from Mr. Wariner.

STATEMENT OF THOMAS WARINER, ESQUIRE, UNDERSECRETARY AND GENERAL COUNSEL, HEALTH AND WELFARE AGENCY, STATE OF CALIFORNIA.

Mr. **Wariner**. Members, thank you very much for the opportunity to be here this morning. My prepared remarks are fairly lengthy, and I would like to just kind of quickly go through some items. My items might seem rather pedestrian in comparison with a lot of the very more general comments that other people have made, but since we are in the trenches, trying to make some sense of what the federal law requires, I am going to try to take this opportunity to try to make my pitch to you gentlemen in the hopes that that may assist. It is the same sort of pitch that we have made to Health and Human Services.

We have some concerns over the number of aliens that may choose to take advantage of the situation presented by the new law. We estimate that there may be as high as 1.7 million eligibles, but that the actual numbers who are going to take advantage of the situation are certainly less than 700,000. We believe that every effort has to be made to encourage people to actively and in every way possible take full advantage of the law. It does none of us any good for people to pass up the opportunity. We are not here to pick on any particular federal agency that might be involved in that process, but we are concerned that people take advantage of the situation and apply and qualify for the services.

California needs these people. California wants these people, and we are very concerned that they be encouraged in every way possible to apply. The process that INS has developed for dealing with documentation is another concern. The focus on the documentation issue has imposed burdens on state and local agencies. Local school districts are required to produce information which is crucial, very often, to an individual's ability to establish their entitlement under the law.

State agencies are also involved. Franchise tax, Department of Employment, Department of Motor Vehicles, all of these people can and are providing documents for people to regularize their status. These costs, of course, are not recognized as part of the package, but they are certainly a cost which the State has to bear, and local agencies have to bear which diminish their ability to meet their primary mission.

There is also a problem in the way in which the money flows. The initial year offers the best year of funding. Now, I have to drop a footnote that one of the things that has concerned at least those of us who have been looking at it from the Health and Welfare side, is that the amount of money that is available does not have any particular relationship to the amount of money that is needed. We do not think the amount of money in any way resembles the amount that is needed. But the way in which the amount of money that is available is allocated is very troublesome.

The first year is the year in which the States get the maximum available funds. In the years that follow, the Federal government takes its needs off first. To the extent that the Federal government takes its Title 19 expenditures off, the amount of money that is going to be available to the state the second, third, and fourth year is diminished, virtually, to nothing.

Now, that diminution of federal support takes place at the same time that the increases are going to be reaching California's school district and county service delivery areas. At the time when the people are there, when they need instruction, when they need health services, the money is going to be spent more defraying the Federal government's expenses than they are defraying the local agencies' expenses. That is built into the law, but it is certainly something that causes us a lot of anxiety, because the people are here, and they are going to receive and need services, but we think the money ought to correspond to when the people are here.

There is, of course, difficulty in projecting the needs for services for these particular people. And one of the things that makes this more difficult, particularly from the education standpoint, is the lack of an agreement from the Federal government as to what kind of a testing vehicle should be used to determine what kinds of services and when sufficient services have been delivered. We need the agreement of the Federal government to work with educators in California, to come up with a useful testing device. It is not quite fair either to the schools, or to the people who are signed up with the expectation of reaching an appropriate level of skill, not to know what the rules of the road are, and when they are going to be admitted.

This is something that has troubled us, and we have legislation in California that is working this way which would, we think, INS to deal up front with our community colleges and our State Department of Education to develop a testing device.

We are also concerned over the definition of the public charts. As you know, there are a number of regulations that have come out from federal agencies. HHS, for instance, has provided us with draft regulations. The comment time has closed, however the final regulations are not out. This week we could turn in our State plan, but we would be turning in our State plan without knowing what the rules of the road are. Because we do not know, we cannot turn in our plan. Because we cannot turn in our plan, we cannot start to get the money. However adequate or inadequate the money is, we cannot even start to get the money until we get the plan in. One of these classic Catch-22's.

Congress has made the money continuously available but we cannot get in the door because we do not have a final statement of what the rules are.

There are also regulations that have been distributed by other Federal agencies, such as the definition of what is or is not public charge. Did I say something wrong?

[Bell ringing.]

Ms. **Thornton**. You are in school.

Mr. **Wariner**. Oh. Well, I will just continue to talk while we are changing classes.

We need to have a working definition of public charge that does not deter people from taking advantage of the kinds of public services which Congress intended them to take advantage of, so that people do not feel that they are still barred when they are really not. And we really need a lot of help with the federal agencies in coming up with a working definition that will be helpful.

There are lots of other comments that I put in my document. The document that I gave you is basically a recitation of the kinds of information we shared with the Feds. The kinds of issues we have raised with them. There are not a lot of answers, but there are a lot of questions, and we think that they all need to be addressed and quickly.

Thank you.

[The prepared statement of Thomas Wariner follows:]

Wariner

GEORGE DEUKMEJIAN, Governor
STATE OF CALIFORNIA

HEALTH and WELFARE AGENCY
OFFICE OF THE SECRETARY
1600 NINTH STREET, ROOM 450
Sacramento, California 95814
(916) 445-6951

Testimony of Thomas Wariner
Deputy Undersecretary and General Counsel

MAJOR ISSUES AND SERVICE PRIORITIES IN CALIFORNIA'S IMPLEMENTATION OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

CALIFORNIA'S IMPLEMENTATION
OF THE
IMMIGRATION REFORM AND CONTROL ACT OF 1986

I. Overview of IRCA

A. IRCA allows certain aliens illegally residing in the United States to become U.S. residents if they can meet certain criteria, and if they could otherwise qualify as legal residents under INS codes.

1. Pre-1982 Aliens -- must be able to prove continuous residency in the U.S. since January 1, 1982, and not be excluded according to INS's criteria about physical/mental health, public charge, or criminal activity.

2. Special agricultural workers (SAW's) -- if they can demonstrate they have worked in perishable agricultural crops for 90 days during specified periods of time; meet some residency requirements; and are not excluded for physical/mental incapacity, public charge, or criminal activity.

3. Registrants -- aliens who can prove they have resided in the United States since 1972.

B. IRCA establishes the processes whereby eligible aliens can apply for legalization status.

1. Pre-1982 Aliens -- can immediately apply for temporary residency status. Eighteen to thirty months later, can apply for permanent residency status if they can demonstrate minimal proficiency in English and U.S. history/government (or enrollment in approved course(s)); and are not excluded based on public charge, physical/mental health, or criminal activity criteria.

2. SAW's -- can apply for temporary residency if not excludable based on public charge criteria or for physical/mental health reasons. Twelve to twenty-four months later, they can apply for permanent residency status.

3. Registrants must document that they have resided in the United States prior to 1972.

C. IRCA prohibits applicant aliens from receiving certain federal social services benefits for five years. With some minor exceptions, aliens are generally barred from receiving AFDC benefits, food stamps, non-emergency care under Medi-

Cal, and unemployment insurance benefits based on credits earned prior to legalization of the individual alien's residency status.

D. IRCA provides funds to assist states and local government with costs they may incur in providing public health, public assistance or educational services to pre-1982 aliens and SAW's who apply for legalization.

E. IRCA attempts to control future illegal immigration through new procedures for employing people, and establishes employer sanctions for illegal hiring practices and improper hiring documentation.

II. Health and Welfare Agency Working Advisory Group for IRCA

A. The Health and Welfare Agency established a broad-based working advisory group to identify IRCA implementation issues and advise the Secretary and the Administration on California's state plan to obtain our share of federal IRCA impact assistance funds. Representatives from welfare and immigrant rights organizations, organizations assisting aliens through the legalization process, local government, state agencies impacted by IRCA, the Legislative Analyst's Office and staff from various legislative committees participated in the working advisory group process.

B. The working advisory group and its four subcommittees have met several times since mid-April, have identified several critical issues impacting effective implementation of IRCA in California, and have developed preliminary budget proposals for expenditure of funds for services to aliens taking advantage of the legalization process.

C. The working advisory group will reconvene its activities to refine those budget proposals that will be included in our State plan, and to further identify IRCA implementation issues and suggest how these issues can be best managed.

III. General Principles

Based on discussion of the working advisory group (though by no means group consensus), the Health and Welfare Agency has derived several general principles we believe should be the foundation of our IRCA implementation strategy and State plan for using federal funds.

A. Federal and state agencies should interpret IRCA statutes and regulations in such a way as to maximize the number of potentially eligible aliens who may avail themselves of the legalization process (application through permanent residency, towards naturalization).

B. The state will rely heavily upon existing public and private program delivery systems in serving applicant aliens.

C. The state will fund the critical core of services needed by applicant aliens before funding other services for this population.

IV. Major Issues

A. Difficulty in estimating the number of aliens who will apply for legalization.

The Department of Finance, at the Health and Welfare Agency's request, estimated that there are approximately 1.7 million aliens in California who could potentially qualify for legalization under IRCA. Of these 1.7 million people, we currently estimate that approximately 250,000 are pre-1972 registrants. Of the remaining 1.4 + million aliens, only 690,000 eligible aliens in California will apply for legalization, with the Immigration and Naturalization Service granting 655,500 of them temporary and permanent legal residency status. This includes 90,000 special agricultural workers.

The program impacts (including the level of federal funding and our use of these funds) directly depend on the number of aliens applying for, and being granted, legalization under IRCA, not the number of potentially eligible aliens residing in California. The uncertainty of the number of potentially eligible aliens who will apply for legalization make it difficult to project need for, and costs of, various program services. If more or less aliens apply than projected, we will need to revise program cost estimates accordingly.

B. Documentation needed by aliens for the legalization process. Eligible aliens must apply to the INS to legalize their residency status in the United States. In doing this, each alien generally needs to document three things:

(1) His identity
(2) His residence in the United States prior to 1982 or according to the criteria special agricultural workers
(3) His ability to support himself -- not be a public charge

Several state departments and local government agencies have records that aliens may use to support their applications for legalization. Most likely to be impacted are Franchise Tax Board, the Department of Motor Vehicles, Employment Development Department, and local school districts. To the extent that alien requests for documents far exceed the volume of document requests from the general public, there may be some unforeseen staff and budgetary impacts on these agencies during the next year.

C. IRCA appropriates $4 billion for federal, state, and local costs ($1 billion a year for four years). With the federal government offsetting its costs each year before distributing funds to the states, the amount of funds available to states each year will decrease significantly. However, the need for, and concomitant cost of services will increase over the life of the program. Irca appears to allow states to carryover funds from year to year, but there may be some instances when the federal government may take IRCA funds not spent by a particular state and redistribute them to other states.

California's plan will budget the expenditure of our share of IRCA funds (50% + of the amounts available for all States) through June 30, 1992. This will carry over IRCA programs nine months past the last federal fiscal year of funding under the act. To do this, we must construct our plan in such a way that we will demonstrate to the federal government appropriate expenditure of funds received during the first two years (when the largest portion of funds are available but alien need for services is minimal) in the last three years of our plan (when funding decreases but service usage has fully materialized).

D. Difficulty in projecting aliens' need for, and use of, services.

Without historic data specific to the demographic characteristics and service needs of the potentially eligible alien population, our present projections of the impact costs for various programs is based primarily on a series of assumptions. One of the major assumptions is that the potentially eligible alien population (because it is 75-80 percent Hispanic) will need/use program services like California's Hispanic population. However, there are programs where Hispanic related data is not available; and there are some key areas where this assumption may be wide of the mark -- level of income (affecting the level of poverty) and the degree of literacy in English.

E. Service delivery capacity.

The increase in service demand for several programs would heavily impact existing delivery systems. Among the hardest hit could be adult education, public health services, and indigent health care. Severe and sudden impact could force a change in service delivery priorities and displace people being currently served.

Additionally the Qualified Designated Entities (QDE's)-- those organizations officially submitting legalization applications on behalf of aliens -- are reaching their capacity to provide services at 600,000 - 700,000 aliens. Should more aliens than currently estimated apply for legalization, QDE's will need additional funding. The services of QDE's cannot be reimbursed through federal impact assistance funds; so QDE's may seek private contributions or state/local general fund monies for additional alien applicants. In keeping with our first general principle to encourage the greatest number of potentially eligible aliens to seek legalization, we should carefully and seriously examine future proposals for support of QDE activities.

F. Public charge deterrent.

The INS may exclude potentially eligible aliens from legalization if it deems them to be public charges under IRCA. However, the law and current regulations do not clearly and exhaustively define when a person will be excluded as a public charge. This uncertainty may be inappropriately deterring aliens from seeking services (most notably medical care) because they are confused and fear future exclusion from legalization.

We suggest meeting with the INS staff and giving them our proposal about how INS should view state and local programs of public cash assistance (AFDC-U and general assistance) in determining if an individual alien should be excluded from legalization as a public charge. This will allow QDE's and state and local agencies to properly advise applicant aliens and to refine impartial budget proposals accordingly.

G. Standards for alien proficiency in English and U.S. history and government.

IRCA requires pre-1982 aliens, when converting from temporary to permanent residency status, to demonstrate minimal understanding of English and U.S. history and government, or be satisfactorily pursuing appropriate courses of study. The proficiency standard is the same one used for aliens seeking naturalization, but it is somewhat ambiguous and is supposedly applied unevenly by INS. To minimize future difficulties and to help firm up California's estimates of educational costs under IRCA, we should petition INS to:

1. Determine whether each alien is satisfactorily proficient in English and U.S. history and government at the time temporary residency status is granted. This will help identify those aliens who may need to take courses to gain proficiency or satisfy the requirement for course enrollment.
2. Clarify the INS proficiency standards so the state can properly design the scope and content of courses that aliens may need to satisfy INS requirements.

3. Accept satisfactory completion of appropriate certified courses as proof of proficiency.

4. Keep records of alien proficiency demonstrated during the legalization process, so that applicant aliens will not have to satisfy this requirement again when applying for naturalization.

H. Impact of pre-1972 registrant aliens.

Aliens who qualify as pre-1972 registrant are not barred from receiving programs of federal assistance like pre-1982 alien applicants or SAWs applicants. After registration, some of these aliens may access programs for services they previously did without for fear of detection and deportation. This may potentially pose future budget considerations for several public social service programs administered by the state and local government agencies.

I. Special Agricultural Workers.

Several issues have or will surface regarding SAW's. Most recently, the difficulty some SAWs had coming into the United States from Mexico had adverse impacts on the harvest of several crops. The number of SAWs applying for legalization will impact future crop harvests, the recruitment of domestic farmworkers, and the need for replenishment agricultural workers. The Department of Food and Agriculture, the Department of Housing and Community Development, and the Employment Development Department will be the agencies principally involved with identifying and resolving SAW's issues.

J. Data collection and reporting.

With the high level of uncertainty about the number of aliens applying for legalization under IRCA, their service needs, and program costs, it is imperative that California require data collection and reporting for IRCA services. The data will be used to:

(1) Demonstrate California's actual and proposed expenditure of federal impact assistance funds to the federal government.
(2) Allocate federal funds among programs during future fiscal years.
(3) Provide data to request additional federal funds (through reassignment of other states' unspent funds or through a new appropriation). This latter activity is one of the issues that California's Commission on Immigration (proposed by Mr. Areias, AB 2323) will focus upon.

V. Services covered under California's State plan.

The state plan will cover a broad range of services, falling into two major funding categories -- the critical core of services and discretionary services.

A. The critical core category of services comprises services to which an eligible individual would be entitled to under federal or state law (e.g., Medi-Cal, AFDC-U, general assistance under Welfare and Institutions Code, Section 17000 et seq.) and those services that aliens will need to apply for legalization and eventually convert from temporary to permanent residency status. The critical core services are:

   1. SSI/SSP
   2. Foster Care
   3. Food stamps for SAWs
   4. Medi-Cal
   5. General Assistance
   6. Medically Indigent Services Program and the County Medical Services Program
   7. AFDC-U
   8. Crippled Children's Services
   9. Treatment for tuberculosis, leprosy, sexually transmitted diseases, supporting laboratory services and immunizations needed so applicants can pass the required medical examination
   10. Instruction in English, U.S. history and government needed by pre-1982 aliens to convert from temporary to permanent residency status.

B. Discretionary services are those federally reimbursable services not covered in the critical core. They include:

   1. Primary health care services
   2. Perinatal services
   3. Child Health and Disability Prevention Program
   4. Adolescent Family Life Program
   5. Family Planning
   6. Local public health subvention services
   7. Treatment for tuberculosis, leprosy, sexually transmitted diseases, supporting, (laboratory services, and immunizations after an alien is granted temporary residency status
   8. English for SAWs and for pre-1982 aliens after they have been granted permanent residency status
   9. Mental health services
   10. Alcohol and drug treatment services
   11. In-Home Supportive Services
   12. Adult protective services
   13. Child welfare services

14. U.S. history and government classes for SAWs and pre-1982 aliens after they have been granted permanent residency status
15. K-12 education services for eligible alien children

VI. Proposed Implementation Actions

A. The Health and Welfare Agency recommends that our current strategy be to fully fund first year costs for critical core services and for all discretionary services except K-12 education, and require all programs to keep track of, and report on the aggregate, data on the type, amount, and costs of services provided to alien applicants.

The Agency will direct participating state agencies to refine their cost proposals for both critical core services and discretionary services. The Agency, with consultation from its working advisory group, will incorporate these proposals into a draft state plan with an accompanying omnibus Section 28 letter for IRCA implementation. This will be submitted to the Governor's Office by August 5, 1987.

B. The Governor's Office will submit the state plan and the accompanying budget documents to the Legislature for review on August 14, 1987. The Agency will brief its working advisory group, legislative staff, and the press about the state plan.

C. The Governor's Office will transmit California's IRCA state plan to the federal Department of Health and Human Services during the week of September 28, 1987.

Chairman **Hawkins**. Thank you, Mr. Wariner. Our next witness is Dr. Shirley Thornton. Dr. Thornton.

STATEMENT OF DR. SHIRLEY THORNTON, DEPUTY SUPERINTENDENT, CALIFORNIA STATE DEPARTMENT OF EDUCATION

Dr. **Thornton**. Good morning. I am very pleased to be here. I am Deputy Superintendent in charge of specialized programs for the State of California, and I am representing Bill Honnig, the State Superintendent.

It is important, I guess, that I am representing the State Department, because in the specialized programs branch I also have the responsibility of overseeing programs such as vocational education, JPTA, Adult ed, At Risk, which is our SP-65 program, Special aid, Gain, Adolescent pregnancy program, Incarcerated Youth, et cetera. Many of the clients that I serve are very clearly at a disadvantage because the educational needs have not been met, and as they attempt to enter into this thing called America, we find that they are really entering with a handicap.

We know that the Immigration Act is really an attempt for legalization. However, if we are not sure, once we say, earlier, that the door is open, now you can enter the door, and we have people entering inadequately prepared, I think we already know, because we have gone down that path so many times, what lays ahead for those folks who are not adequately trained, who do not have proper education, who do not start the upward mobility into the system, and that we—if we are not careful, do not present another set of people to this Country who are unemployed, underemployed, or unemployable, because we have not addressed the one key issue that it takes, in this Country, to make it. Equal opportunity for educational processes.

As we look at the funding priorities that have thus far been set up, we see that education is limited to only one of our funding priorities by the State. And we see that even that is limited, because we are speaking of the pre-1982 Alien coming in, we are speaking only of citizenship and English acquisition. We are not talking about, as when we looked at our introductory, the GAIN program, the fact that learning the language is just the beginning, that it is important that we go through the ESL, but that we look at the adult basic ed program, so that we continue to deal with this thing called cognitive language acquisition that enables one to really start getting a handle on an education that will make him or her important as we move through the system.

We then have to look at preemployment skills, and then we have to look at work maturity skills, and then job specific skills. When we look at the funding for education now in our state, we are now looking at acquisition of English, and then citizenship classes. Once that is done, according to this Act, we have completed the job. And we know, as we have heard earlier, that that is just the beginning, and we have to be very careful that when we look at our specialized agricultural workers, and the replenishment agricultural workers, and we look at our K-12, with its three year hook on it, and we look at the number of teenagers, those 14 years of age and older, who up until this moment did not think a high school diploma was of significance, because they did not think they would be able to reap the benefits of that.

So we have to look at now that many of our drop-outs, and as you have heard, we have drop-outs that range anywhere from 30 to 50 percent in some of our school districts, are these at-risk students who, in many cases, are of color, we begin to see that if they believe there is a reason to return, we will not have the space, because of the limited funding, and because we do not have the resources presently, that they will not, even though they return, be able to get their necessary skills to move on.

When we look at our adult education program, we know, as you have heard earlier, not only here in Los Angeles, but across the state, that we have one of the largest adult ed programs in the Country. We know that this Bill, over 50 percent of it will be directed at California. Because we have had so many years of experience in our educational system, we merely have to expand the present program. We do not have to reinvent an assessment model. We have CASAS. We have a program that you will hear about, I am sure, by our next presenter, that very clearly has established, because we used it through our GAIN program, and has served 25,000 just with that new program, to know that there is a level of proficiency that one must attain if he or she is to move into the educational realm, which then moves him or her into the employment realm. When we looked at our GAIN program, we saw that the estimates were that 30 percent of those recipients who would need ESL. We now see that it is upwards of 60 to 70 percent.

So it is not that we are coming in stating that we are guessing what we need. We have some fairly good experience, having served hundreds of thousands of adults through our CASAS assessment model, and through our adult ed program, that we can expand and by bringing in the other agencies that are already out there, we can meet this need. Now again, we go back to the assumption, is this Bill meant to do the job of making sure we are bringing folks aboard in this Country who can gather and gain equal access to America? If we can agree to that, then the debates that we are presently having are not worth the time. Because we would know that if you are not educated in America, you are not going to make it. We already know by looking at the data and some of the other programs I work with that our California Youth Authority, 8,000 youngsters, over 80 percent are Black and brown, it is costing us $30,000 per year to keep these youngsters locked up. They are the at-risk population. We know within two years it is a 50 percent recitivism rate.

When we look at who is dropping out of our schools, again we see that it is our students of color. They have not—or they do not feel the system is meeting their needs. If we already feel strapped and we are already looking through our SB-65 program to see how we can reconnect those youngsters with the system, it goes back to that belief system that at the end of that road, the trip was worth taking.

So we are saying as we look at the funding priorities in our plan, that we understand Congress' intent as to the importance of education in relationship to all the other services. And we know that we are talking about a limited pot of dollars. So when we talk about

Health and Human services, we are not saying that one is better or one is less than, but what we are saying is that there is a need for an understanding of health and an understanding of services, but also, what is the role of education? Where does K-12 fit into this?

Again, we know from our Simile office of Research data that we are already short 40,000 classrooms in our K-12 system in California. That is just building space that we will need by the year 2000. That was an $8 billion tag put on just space, because we have one of the fastest growing student populations in this Country. We already know when we look at the shortage of teachers, that those are problems presently we are facing. When we look at the dropout, we know that the system has not been able to retain many of those youngsters in the system. So now we are saying, let us keep doing business as usual, and I guess that means let us continue to see the loss of future Americans who could be very productive to our society being placed on the Welfare roles, or being placed on roles that will end up costing more money as we move through.

We really do need to understand, was Congress' intent that of only making sure there was an acquisition of the English language and the citizenship classes, or was it something to say that we would start with ESL and then we would look at adult basic ed, and then we would look at preemployment and work maturity skills, and then we would look at job specifics. Because if we cannot complete that circle for education, we will not adequately serve these new Americans that are coming into our system.

Concerns, K-12, what is Congress' intent. Concerns out of school youth. We know they are out there. How do we plan to return them to the system without additional funding. Concerns about the cap. Do we really mean for the cap to be specific to each person, or are we talking about, as in the Immigrant Emergency Education Act, that that be a multiplier, so that if it takes $200 for one, and $900 for the other, that we have the funds to do that, or do we say to someone, oops, you have used up your $500. Next.

I think we have to be very clear on what are we asking for people who really are not sure about the partnership that we are affording them now. That we are not setting them up to fail. I am asking, as a representative for the State Department of Education, that as we set up our service delivery plan that we make sure that education is included in the high funding priorities, that as it presently stands for Fall of 1988, that there is no acknowledgement of funding for our system for K-12. Now, is that what Congress, is that what you mean, that we are not to get monies the first year? That our working with the SAW's and the RAW's, does that mean that we have no desire to give them the additional education necessary to be successful.

I would like to stop now, because I am sure we will be going into some questions later, but my main concern is that we make sure I, in the delivery of the educational component, with the other two agencies, understand clearly the role of eduoation as we move through the process. I am thankful to have been afforded the opportunity to come before the group to share our concerns, because we sit daily and try to work through, what if, we do not get the funding. How do we not make the same mistakes we have made in many of the other programs that really come along too little too late, and in retrospect we can say, we really should not have done that.

I think we have enough time and energy and experience under our belts to know if we do not give adequate funding for this program, we really will be creating another group of people who had all the beliefs and dreams and wonderful ideas about America, to really find that they are unemployed, underemployed, or unemployable.

Thank you very much.

[The prepared statement of Dr. Shirley Thornton follows:]

TESTIMONY ON THE
EDUCATIONAL IMPACT OF THE
IMMIGRATION REFORM AND CONTROL ACT

Presented by

Dr. Shirley Thornton
Deputy Superintendent
Specialized Programs Branch
California State Department of Education

Before the House Education & Labor Committee

Los Angeles

September 28, 1987, Field Hearing

Good morning. My name is Shirley Thornton. I am the Deputy Superintendent for Specialized Programs for the California Department of Education. I am here representing the Department and the State Superintendent of Public Instruction, Bill Honig.

INTRODUCTION

Although the primary purpose of the Immigration Reform and Control Act (IRCA) is legalization of undocumented aliens who have resided in the United States, it also provides an important opportunity for the legalized aliens to become a part of the mainstream of U.S. social and economic life. The future welfare and earning power of the legalized alien rests, in large measure, on their acquisition of educational and linguistic competencies that will allow them to not only qualify for legalization but to successfully compete in present and future labor markets.

Studies of future work and workers show that the new jobs for the 21st century in service industries will require much higher skill levels than the jobs of today. There will be very few new jobs for individuals who cannot read, follow directions, and use mathematics. Education, therefore, for the newly legalized aliens becomes critical not only for attaining legalization but will either expand or limit their opportunities and horizons. The personal and societal benefits are clear. We are ready to accept the challenge. We only await the resources Congress provided us.

I. FUNDING PRIORITIES: THE ROLE OF EDUCATION

Background

The Immigration Reform and Control Act of 1986 (IRCA) enables undocumented aliens who have resided in the United States and meet requirements specified in the Act to apply for temporary resident status. Temporary residents may appply for permanent resident status after 18 months if they meet specified requirements and can show that they have a minimal understanding of English and a knowledge and understanding of the history and government of the United States, or are satisfactorily pursuing a course of study to acquire such knowledge. Although special agricultural workers (SAWs) and replenishment agricultural workers (RAWs) are not required to demonstrate the basic citizenship skills at the time of adjustment to permanent status, they will have to demonstrate these same skills, if they seek naturalization as a citizen.

IRCA provides funds for FY 1988 through 1991 for grants to states to pay part of the costs state and local governments may incur as a result of the legalization program. These funds may be used to reimburse the costs of providing public assistance, public health assistance, and educational services to "eligible legalized aliens." The Act designates 10% of these funds to each of these areas, unless 10% is not required for any of these functions. With this exception, the determination of a state's priority in the allocation of the SLIAG funds appears to be the discretion of the state.

Issue

At the time of this testimony, this Department has only been provided with an outline of the State Health and Welfare Agency's funding priorities (Attachment 1, Part V). The only educational service acknowledged as a funding priority for California is instruction in English, U.S. history and government needed by pre-1982 aliens to convert from temporary to permanent residency status. (It is only one of ten priorities.) The provision of these services to SAWs and RAWs and educational services to eligible alien children, K-12, are acknowledged only as discretionary services. K-12 education is expressly excluded from funding in FY 1988. Other than instruction in English, U.S. history and government, basic instructional services of any other type attributed to the presence of eligible legalized aliens in school and dropout recovery is not authorized under California's existing funding priorities.

All eligible legalized aliens must be afforded access to educational services required to meet the requirements of permanent resident status and naturalization and to acquire the education and training that allows them to be a full participant in the social and economic mainstream. The allocation of SLIAG funds for educational services must be sufficient for all eligible legalized aliens to have access to these services throughout the legalization process.

Recommendation

It would be helpful to California in the preparation of its State IRCA plan to receive clarification of the intent of Congress in the distribution of SLIAG monies among the three designated funding areas and any intended service priorities.

II. CALIFORNIA'S EDUCATIONAL SERVICES DELIVERY PLAN

Background

IRCA program participants must have basic literacy, citizenship and history instruction to enable them to adjust to legalized status, become naturalized, and prepare them for employment. In order to accomplish this, we must have the resources to expand educational opportunities and services and establish programs of instruction that will:

- enable all eligible legalized aliens to meet the requirements for basic literacy, knowledge of the English language and understanding of the history of the United States necessary to attain basic citizenship skills and become naturalized citizens of the United States, and

- make available to such aliens the means to secure education and training that will enable them to realize their full potential as citizens of the United States, and

- collaborate with agencies, both public and private, which provide services to eligible legalized aliens to ensure a comprehensive service delivery system to assist in the legalization process from the granting of temmporary residency status to citizenship.

A. Adult Education

Background: The California Adult Education Program is the largest and most diverse adult education service delivery system in the United States. These programs are operated under two broad categories: (1) General Adult Education with funds provided through the State of California General Fund and (2) Adult Basic Education funds under the federal Adult Education Act, PL 91-230, as amended, Section 306.

Adult education programs in California are operated by 228 high school districts throughout the state. Additional programs are operated by community college districts in areas where they have assumed the responsibility for adult education services upon agreement with the local school districts. Community-based organizations and two state agencies, Corrections and Developmental Services, and volunteer literacy organizations also operate extensive adult education programs. The state-supported programs are offered in ten instructional areas, including adult basic education, English as a second language, and citizenship.

The influx of the ELAs into the adult education system will double the number of adults currently enrolled in English language and citizenship courses. Therefore, a major expansion of services for adults will be needed in English as a second language and citizenship courses to enable temporary residents to become permanent residents and naturalized citizens. In addition, we anticipate a significant increase in adult basic education and vocational instruction as ELAs seek the education and skills necessary for employment. With adequate fiscal support from SLIAG, this expansion can take place. Without it, the system cannot assimilate this new population. It is important to note that this need is not limited to agencies currently funded to provide educational services. It also includes such agencies as Qualified Designated Entities (QDEs), volunteer groups and other non-profit organizations.

Issue: This Department is committed and prepared to deliver all necessary educational services to adult eligible legalized aliens. However, in order to do so, education must receive its fair share of available SLIAG funds and must receive assurance of funding far enough in advance to be able to gear up to provide the required programs. According to the latest published state funding priorities, SLIAG funds will only be available for providing English language instruction and instruction in U.S. history and government prior to attaining permanent status. (The provision of even this instruction to SAWs and RAWs is accorded a low priority in the distribution of funds.) Since the level of competency anticipated to be required to meet INS standards for legalization will not prepare the eligible legalized alien for minimal levels of employment, additional basic instruction is necessary. However, it is excluded as an allowable funding priority in this state. The narrow focus of the state priorities on the provision of limited instruction in English, U.S. history and government prior to the adjustment to permanent status assures only that ELAs will be prepared for permanent status. The exclusion of SAWs and RAWs and basic instruction for all ELAs from this funding priority will propel some of the ELAs into cycles of unemployment and welfare dependency.

Recommendation: It would be helpful to California in the preparation of the state IRCA plan to receive clarification on whether Congress intended that instruction in English, U.S. history and government for ELAs other than prior to adjustment to permanent status be accorded a low priority in the distribution of SLIAG funds; that basic literacy instruction and preparation for employability be excluded as fundable services; and that SAWs and RAWs were intended to receive lesser services than other eligible legalized aliens.

B. K-12

Background: The California immigrant student population for K-12 for the 1986 school year was the highest in the country. According to the United States Department of Education figures, California reported 209,000 immigrant students for the 1986-87 school year, which comprises 51 percent of the total student immigrant population nationwide.

Migration to the United States for many of these students has not been smooth. The majority left their home country to escape economic hardships and civil strife and did not have an opportunity to attend school on a regular basis. This lack of a strong educational foundation at the preschool and elementary level have caused many of these students to flounder in American schools. The majority of these students require instruction in the English language and often have educational problems related to English language acquisition and adjustment to a new country. The implications of meeting the special needs of the immigrant child places an extremely heavy burden on the resources of an educational system already in need of additional classroom space, textbooks, instructional aides, teachers, counselors, nurses, and school psychologists.

The average annum per pupil expenditure of $3,022 (school year 1986, includes federal funds) is insufficient to meet these special needs. In fact, the fiscal impact of adequately meeting these needs could well double the cost of the average educational dollar.

In addition to the general K-12 immigrant population, two groups require special consideration: out-of-school youth and students fourteen years of age and older.

Out-of-School Youth

Since the students' illegal status prior to IRCA was the major determinant in their employment opportunities, there was no incentive for many of these students to remain in school. It is anticipated that with legalization many ELAs who have dropped out of school will return to obtain the education and training necessary to provide them with increased employment opportunities. Along with the complex needs mentioned previously, these students will have additional problems that need to be addressed due to the gap in their education.

ELAs Fourteen Years of Age and Older

The May 1, 1987 regulations on the applicant processing for SAWs and legalization program (Federal Register Vol. 52, #84) establish that students fourteen and older will be interviewed by INS at the time of their adjustment of status in the same manner as adults. It is assumed that they will be required to pass the minimal competency requirement at that time or at the time of naturalization.

Provisions must be made to ensure that these students have acquired the necessary competencies. This is particularly important since some of these students may not have taken courses in the areas of U.S. history and government.

Issue: K-12 education is currently accorded a low priority in the state IRCA priorities and will not receive any funding for FY 1988. Furthermore, there has not been any concrete acknowledgment of the unique problem of out-of-school ELAs and those fourteen years of age and older. It is critical that the supplemental funds under SLIAG be available to meet the needs of this population.

Recommendation: It would be helpful to California in the finalization of its IRCA plan to receive clarification from Congress whether ELAs in K-12 and out-of-school youth were intended to be excluded from SLIAG funding or be accorded a low priority in the distribution of funds.

III. PROPOSED REGULATIONS

Background

Proposed regulations for the State Legalization Impact Assistance Grants, Section 204 of IRCA, were recently published by the federal Department of Health and Human Services.

There are some significant interpretations of IRCA that would negatively impact the delivery of educational services to ELAs. I have attached a copy of this Department's comments for the record, but I would like to highlight several problems.

Issue

1. $500 "CAP": The $500 limitation in the Emergency Immigrant Education Act is applied to SLIAG funds due to the incorporation of the definition in that Act. The proposed regulations infer that this limitation is a cap on spending for each ELA. This interpretation is inconsistent with the Emergency Immigrant Education Act where the $500 amount is used as an overall spending limitation and merely restricts the total amount to be expended.

ELAs have varied backgrounds and educational competencies. Some have limited English speaking and listening skills. Others have English speaking competencies and need only minimal, if any, assistance for basic education.

Accordingly, ELAs receiving minimal services may require the expenditures of less than the allotted $500 and others will require extensive services in excess of the fiscal limit. Local educational agencies should have the flexibility allowed in the Emergency Immigrant Program to allocate available funds accordingly to these varying needs. Consistent with the Emergency Immigrant Act, it is essential that the $500 limit be interpreted as merely an overall spending limit.

2. Three Year Limitation: The comments in the preamble of the proposed regulations infer that there is a three year school enrollment limitation on elementary and secondary ELAs. The basis for this assumption is derived from the definition of "immigrant children" in the Emergency Immigrant Program. This definition is expressly listed as an exception to the general incorporation of the Emergency Immigrant Act and an alternative definition is provided. The existing definition in IRCA does not impose a limitation on the number of years an ELA has attended school. To interpret it otherwise would result in the exclusion of children between the ages of 8-16 who have the greatest need for supplemental educational services.

3. Other Federal Programs: "Section 204(f) of the Act provides that payment under SLIAG shall not be made for costs to the extent those costs are otherwise reimbursed or paid for under other Federal programs." The proposed regulation states that the amount of SLIAG funds to educational agencies will be reduced by the amount of funding otherwise available to provide such services.

It is our position that there is no program that provides Federal funds for the same purpose as SLIAG. Therefore, there should be no reduction of allowable funds under IRCA on the basis of this section of law.

The preamble of the regulation asserts that INS is working with the U. S. Department of Education to develop a list of programs that must be included in calculating the $500 cap. It appears that the list of programs will be developed outside the public process. There must be an opportunity to comment on this important interpretation of the law. Therefore, the proposed list of programs, if any, should be published in the Federal Register with an opportunity for comment.

Recommendation

Some of the proposed interpretations of IRCA by the Health and Human Services Agency appear to controvert the language and spirit of the law. We encourage you and other members of your committee to oversee this regulatory process carefully to ensure the regulations reflect congressional intent in this area.

I appreciate the opportunity to appear before you to offer testimony on the impact of IRCA on educational services in California.

JUL 13 1987

STATE OF CALIFORNIA

Memorandum

Date : JUL 9 1987

To : Members, Health and Welfare Agency's Working Advisory Group on the Immigration Reform and Control Act of 1986

Subject: CABINET BRIEFING ON IRCA

From : HEALTH AND WELFARE AGENCY
Office of the Secretary
1600 Ninth Street, Room 450
Sacramento, 95814 (916) 445-6951

On July 8, 1987, the Health and Welfare Agency briefed the Governor and his Cabinet on California's implementation of the Immigration Reform and Control Act of 1986. Attached is a copy of the briefing paper we presented.

The Governor conceptually approved the implementation actions we recommended. Consequently I am asking all participating programs to refine their cost proposals for funding services, and develop their first year cost proposals into draft Section 28 letters. Given the time constraints we face in developing the plan and submitting it for the Administration's review and approval, I will need fully refined first year cost proposals and draft Section 28 letters by noon on July 20, 1987. In preparing these documents, program staff must work closely with their Department of Finance analysts. This will assure me that the various proposals will meet the standards required by state budgetary processes, and will help speed the Administration's review process.

Our first year plan must include a data collection system for services rendered to aliens. The refined cost proposals should outline the data collection reporting system (including the type of data collected and the frequency of reporting) currently used by specific programs, and indicate where systems changes may need to be made to adequately capture data on the type, amount, and cost of services provided to aliens.

I'll schedule another meeting of the working advisory group toward the end of July to discuss our first year plan and alien data reporting system. Thanks for your past participation in this effort, and I hope you can continue to actively provide your expertise to the group.

Mark

MARK S. HELMAR
Assistant Secretary
Program and Fiscal Affairs

Attachment

cc: Clifford L. Allenby, Secretary
Thomas E Warriner, Undersecretary
John Ramey, Deputy Secretary
Program and Fiscal Affairs

CALIFORNIA'S IMPLEMENTATION
OF THE
IMMIGRATION REFORM AND CONTROL ACT OF 1986

I. Overview of IRCA

A. IRCA allows certain aliens illegally residing in the United States to become U.S. residents if they can meet certain criteria, and if they could otherwise qualify as legal residents under INS codes.

1. Pre-1982 Aliens — must be able to prove continuous residency in the U.S. since January 1, 1982, and not be excluded according to INS's criteria about physical/mental health, public charge, or criminal activity.

2. Special agricultural workers (SAW's) — if they can demonstrate they have worked in perishable agricultural crops for 90 days during specified periods of time; meet some residency requirements; and are not excluded for physical/mental incapacity, public charge, or criminal activity.

3. Registrants — aliens who can prove they have resided in the United States since 1972.

B. IRCA establishes the processes whereby eligible aliens can apply for legalization status.

1. Pre-1982 Aliens — can immediately apply for temporary residency status. Eighteen to thirty months later, can apply for permanent residency status if they can demonstrate minimal proficiency in English and U.S. history/government (or enrollment in approved course(s)); and are not excluded based on public charge, physical/mental health, or criminal activity criteria.

2. SAW's — can apply for temporary residency if not excludable based on public charge criteria or for physical/mental health reasons. Twelve to twenty-four months later, they can apply for permanent residency status.

3. Registrants must document that they have resided in the United States prior to 1972.

C. IRCA prohibits applicant aliens from receiving certain federal social services benefits for five years. With some minor exceptions, aliens are generally barred from receiving AFDC benefits, food stamps, non-emergency care under Medi-

Cal. and unemployment insurance benefits based on credits earned prior to legalization of the individual alien's residency status.

D. IRCA provides funds to assist states and local government with costs they may incur in providing public health, public assistance or educational services to pre-1982 aliens and SAW's who apply for legalization.

E. IRCA attempts to control future illegal immigration through new procedures for employing people, and establishes employer sanctions for illegal hiring practices and improper hiring documentation.

II. Health and Welfare Agency Working Advisory Group for IRCA

A. The Health and Welfare Agency established a broad-based working advisory group to identify IRCA implementation issues and advise the Secretary and the Administration on California's state plan to obtain our share of federal IRCA impact assistance funds. Representatives from welfare and immigrant rights organizations, organizations assisting aliens through the legalization process, local government, state agencies impacted by IRCA, the Legislative Analyst's Office and staff from various legislative committees participated in the working advisory group process.

B. The working advisory group and its four subcommittees have met several times since mid-April, have identified several critical issues impacting effective implementation of IRCA in California, and have developed preliminary budget proposals for expenditure of funds for services to aliens taking advantage of the legalization process.

C. The working advisory group will reconvene its activities to refine those budget proposals that will be included in our State plan, and to further identify IRCA implementation issues and suggest how these issues can be best managed.

III. General Principles

Based on discussion of the working advisory group (though by no means group consensus), the Health and Welfare Agency has derived several general principles we believe should be the foundation of our IRCA implementation strategy and State plan for using federal funds.

A. Federal and state agencies should interpret IRCA statutes and regulations in such a way as to maximize the number of potentially eligible aliens who may avail themselves of the legalization process (application through permanent residency, towards naturalization).

B. The state will rely heavily upon existing public and private program delivery systems in serving applicant aliens.

C. The state will fund the critical core of services needed by applicant aliens before funding other services for this population.

IV. Major Issues

A. Difficulty in estimating the number of aliens who will apply for legalization.

The Department of Finance, at the Health and Welfare Agency's request, estimated that there are approximately 1.7 million aliens in California who could potentially qualify for legalization under IRCA. Of these 1.7 million people, we currently estimate that approximately 250,000 are pre-1972 registrants. Of the remaining 1.4 + million aliens, only 690,000 eligible aliens in California will apply for legalization, with the Immigration and Naturalization Service granting 655,500 of them temporary and permanent legal residency status. This includes 90,000 special agricultural workers.

The program impacts (including the level of federal funding and our use of these funds) directly depend on the number of aliens applying for, and being granted, legalization under IRCA, not the number of potentially eligible aliens residing in California. The uncertainty of the number of potentially eligible aliens who will apply for legalization make it difficult to project need for, and costs of, various program services. If more or less aliens apply than projected, we will need to revise program cost estimates accordingly.

B. Documentation needed by aliens for the legalization process. Eligible aliens must apply to the INS to legalize their residency status in the United States. In doing this, each alien generally needs to document three things:

(1) His identity
(2) His residence in the United States prior to 1982 or according to the criteria special agricultural workers
(3) His ability to support himself — not be a public charge

Several state departments and local government agencies have records that aliens may use to support their applications for legalization. Most likely to be impacted are Franchise Tax Board, the Department of Motor Vehicles, Employment Development Department, and local school districts. To the extent that alien requests for documents far exceed the volume of document requests from the general public, there may be some unforeseen staff and budgetary impacts on these agencies during the next year.

C. IRCA appropriates $4 billion for federal, state, and local costs ($1 billion a year for four years). With the federal government offsetting its costs each year before distributing funds to the states, the amount of funds available to states each year will decrease significantly. However, the need for, and concomitant cost of services will increase over the life of the program. Irca appears to allow states to carryover funds from year to year, but there may be some instances when the federal government may take IRCA funds not spent by a particular state and redistribute them to other states.

California's plan will budget the expenditure of our share of IRCA funds (50% + of the amounts available for all States) through June 30, 1992. This will carry over IRCA programs nine months past the last federal fiscal year of funding under the act. To do this, we must construct our plan in such a way that we will demonstrate to the federal government appropriate expenditure of funds received during the first two years (when the largest portion of funds are available but alien need for services is minimal) in the last three years of our plan (when funding decreases but service usage has fully materialized).

D. Difficulty in projecting aliens' need for, and use of, services.

Without historic data specific to the demographic characteristics and service needs of the potentially eligible alien population, our present projections of the impact costs for various programs is based primarily on a series of assumptions. One of the major assumptions is that the potentially eligible alien population (because it is 75-80 percent Hispanic) will need/use program services like California's Hispanic population. However, there are programs where Hispanic related data is not available; and there are some key areas where this assumption may be wide of the mark — level of income (affecting the level of poverty) and the degree of literacy in English.

E. Service delivery capacity.

The increase in service demand for several programs would heavily impact existing delivery systems. Among the hardest hit could be adult education, public health services, and indigent health care. Severe and sudden impact could force a change in service delivery priorities and displace people being currently served.

Additionally the Qualified Designated Entities (QDE's)— those organizations officially submitting legalization applications on behalf of aliens — are reaching their capacity to provide services at 600,000 - 700,000 aliens. Should more aliens than currently estimated apply for legalization, QDE's will need additional funding. The services of QDE's cannot be reimbursed through federal impact assistance funds; so QDE's may seek private contributions or state/local general fund monies for additional alien applicants. In keeping with our first general principle to encourage the greatest number of potentially eligible aliens to seek legalization, we should carefully and seriously examine future proposals for support of QDE activities.

F. Public charge deterrent.

The INS may exclude potentially eligible aliens from legalization if it deems them to be public charges under IRCA. However, the law and current regulations do not clearly and exhaustively define when a person will be excluded as a public charge. This uncertainty may be inappropriately deterring aliens from seeking services (most notably medical care) because they are confused and fear future exclusion from legalization.

We suggest meeting with the INS staff and giving them our proposal about how INS should view state and local programs of public cash assistance (AFDC-U and general assistance) in determining if an individual alien should be excluded from legalization as a public charge. This will allow QDE's and state and local agencies to properly advise applicant aliens and to refine impartial budget proposals accordingly.

G. Standards for alien proficiency in English and U.S. history and government.

IRCA requires pre-1982 aliens, when converting from temporary to permanent residency status, to demonstrate minimal understanding of English and U.S. history and government, or be satisfactorily pursuing appropriate courses of study. The proficiency standard is the same one used for aliens seeking naturalization, but it is somewhat ambiguous and is supposedly applied unevenly by INS. To minimize future difficulties and to help firm up California's estimates of educational costs under IRCA, we should petition INS to:

1. Determine whether each alien is satisfactorily proficient in English and U.S. history and government at the time temporary residency status is granted. This will help identify those aliens who may need to take courses to gain proficiency or satisfy the requirement for course enrollment.

2. Clarify the INS proficiency standards so the state can properly design the scope and content of courses that aliens may need to satisfy INS requirements.

3. Accept satisfactory completion of appropriate certified courses as proof of proficiency.

4. Keep records of alien proficiency demonstrated during the legalization process, so that applicant aliens will not have to satisfy this requirement again when applying for naturalization.

H. Impact of pre-1972 registrant aliens.

Aliens who qualify as pre-1972 registrant are not barred from receiving programs of federal assistance like pre-1982 alien applicants or SAWs applicants. After registration, some of these aliens may access programs for services they previously did without for fear of detection and deportation. This may potentially pose future budget considerations for several public social service programs administered by the state and local government agencies.

I. Special Agricultural Workers.

Several issues have or will surface regarding SAW's. Most recently, the difficulty some SAWs had coming into the United States from Mexico had adverse impacts on the harvest of several crops. The number of SAWs applying for legalization will impact future crop harvests, the recruitment of domestic farmworkers, and the need for replenishment agricultural workers. The Department of Food and Agriculture, the Department of Housing and Community Development, and the Employment Development Department will be the agencies principally involved with identifying and resolving SAW's issues.

J. Data collection and reporting.

With the high level of uncertainty about the number of aliens applying for legalization under IRCA, their service needs, and program costs, it is imperative that California require data collection and reporting for IRCA services. The data will be used to:

(1) Demonstrate California's actual and proposed expenditure of federal impact assistance funds to the federal government.
(2) Allocate federal funds among programs during future fiscal years.
(3) Provide data to request additional federal funds (through reassignment of other states' unspent funds or through a new appropriation). This latter activity is one of the issues that California's Commission on Immigration (proposed by Mr. Areias, AB 2323) will focus upon.

V. Services covered under California's State plan.

The state plan will cover a broad range of services, falling into two major funding categories — the critical core of services and discretionary services.

A. The critical core category of services comprises services to which an eligible individual would be entitled to under federal or state law (e.g., Medi-Cal, AFDC-U, general assistance under Welfare and Institutions Code, Section 17000 et seq.) and those services that aliens will need to apply for legalization and eventually convert from temporary to permanent residency status. The critical core services are:

1. SSI/SSP
2. Foster Care
3. Food stamps for SAWs
4. Medi-Cal
5. General Assistance
6. Medically Indigent Services Program and the County Medical Services Program
7. AFDC-U
8. Crippled Children's Services
9. Treatment for tuberculosis, leprosy, sexually transmitted diseases, supporting laboratory services and immunizations needed so applicants can pass the required medical examination
10. Instruction in English, U.S. history and government needed by pre-1982 aliens to convert from temporary to permanent residency status.

B. Discretionary services are those federally reimbursable services not covered in the critical core. They include:

1. Primary health care services
2. Perinatal services
3. Child Health and Disability Prevention Program
4. Adolescent Family Life Program
5. Family Planning
6. Local public health subvention services
7. Treatment for tuberculosis, leprosy, sexually transmitted diseases, supporting, (laboratory services, and immunizations after an alien is granted temporary residency status
8. English for SAWs and for pre-1982 aliens after they have been granted permanent residency status
9. Mental health services
10. Alcohol and drug treatment services
11. In-Home Supportive Services
12. Adult protective services
13. Child welfare services

14. U.S. history and government classes for SAWs and pre-1982 aliens after they have been granted permanent residency status
15. K-12 education services for eligible alien children

VI. Proposed Implementation Actions

A. The Health and Welfare Agency recommends that our current strategy be to fully fund first year costs for critical core services and for all discretionary services except K-12 education, and require all programs to keep track of, and report on the aggregate, data on the type, amount, and costs of services provided to alien applicants.

The Agency will direct participating state agencies to refine their cost proposals for both critical core services and discretionary services. The Agency, with consultation from its working advisory group, will incorporate these proposals into a draft state plan with an accompanying omnibus Section 28 letter for IRCA implementation. This will be submitted to the Governor's Office by August 5, 1987.

B. The Governor's Office will submit the state plan and the accompanying budget documents to the Legislature for review on August 14, 1987. The Agency will brief its working advisory group, legislative staff, and the press about the state plan.

C. The Governor's Office will transmit California's IRCA state plan to the federal Department of Health and Human Services during the week of September 28, 1987.

CALIFORNIA STATE DEPARTMENT OF EDUCATION
721 Capitol Mall; P.O. Box 944272
Sacramento, CA 94244-2720

Bill Honig
Superintendent
of Public Instruction

SEP 16 1987

September 14, 1987

Mr. Wayne A. Stanton, Administrator
IRCA Implementation Task Force
Family Support Administration, Rm. 5627
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Stanton:

On behalf of the California State Department of Education, I wish to thank you for the opportunity to comment on the proposed rulemaking for the State Legalization Impact Assistance Grants (SLIAG) created by Sec. 204 of the Immigration Reform and Control Act (IRCA) of 1986.

It is the Department's position that all eligible legalized aliens must be afforded access to educational services required to meet the requirements of permanent resident status and naturalization. Consistent with the intent of IRCA, educational services provided to eligible legalized aliens must, minimally, be sufficient to enable them to progress smoothly toward citizenship.

We feel that the observations and recommendations on the following pages will assist California and, indeed, all states to fully implement the intent of IRCA.

Thank you for your attention to our concerns. Should there be any questions, please contact Dr. Gerald Kilbert, Director, Youth, Adult, and Alternative Education Services Division at (916) 322-6535.

Sincerely,

Shirley A. Thornton, Deputy Superintendent
Specialized Programs Branch

SAT/CG/rl

Comments on SLIAG Proposed Regulations

Comments Page 30195, Col. 1

We support the concept relative to the use of existing administrative mechanisms and state flexibility. "... we have attempted to avoid as much as possible the need for State and local governments to establish new administrative mechanism for this four year funding source. The desire to implement State Legalization Impact Assistance Grants (SLIAG) in a simple straight forward manner providing for State flexibility while at the same time fulfilling the statutory requirements."

Subpart B - Use of Funds, Page 30196, Col. 3 and Page 30197, Col. 1

We agree and fully support the authorized educational services and believe it is consistent with definitions and provisions of the Emergency Immigrant Education Act (EIEA) and the Immigrant Reform and Control Act (IRCA). We support the use of SLIAG funds to assist local education agencies in: "providing certain eligible legalized aliens in elementary and secondary schools with supplementary educational services...and additional basic instructional services directly attributed to the presence of eligible legalized aliens in school..."

Subpart D - Estimates of SLIAG Related Cost, Page 30200, Col. 1

Delete the first sentence that reads:

> "Other than for costs associated with teaching the English-language and citizenship skills required for adjustment to permanent resident status, SLIAG funds are not available for the costs of basic instruction."

The statement is confusing and inconsistent with Subpart B where allowable educational services are adequately described on pages 30196 (Col. 3) and 30197 (Col. 1 and 2).

Subpart B - Educational Services, Page 30197, Col. 1

For adjustment to permanent status under section 245 A of IRCA, an alien, unless exempted, must demonstrate that he/she has a (1) minimal understanding of ordinary English.....or (2) is satisfactorily pursuing a course of study recognized by the Attorney General.

Recommendation

We request that these proposed regulations include an operational definition of "minimal understanding of English and knowledge and understanding of the history and government of the United States"; and a definition of what "satisfactorily pursuing a course of study" consists of. Those standards must be agreed upon by INS and applied by them throughout the legalization process.

Subpart B - Limitation on use of SLIAG Funds, Page 30197, Col. 1

The $500 limitation in EIEA is applied to the SLIAG funds due to the incorporation of the definition in that Act. The comment on page 30197 infer that this limitation is a cap on spending for each eligible legalized alien. This interpretation is inconsistent with EIEA where the $500 is used as an overall spending limitation and merely restricts the total amount to be expended.

Recommendation

We recommend that this section be clarified by stating that the educational regulations are consistent with EIEA and that the $500 limits the average funding per ELA to the States but is not a cap on expenditure per ELA.

RATES OF ACQUISITION OF ENGLISH

Subpart D - State Allocations, Page 30199, Col. 3

HHS adopts the viewpoint that "many aliens will speak English when they enter the Country or will have acquired English when they enter the Country or will have acquired English language skills during the time they were here"

This perspective on English language acquisition is inaccurate. There is an extensive literature on language maintenance which holds that the common view that immigrants "naturally" learn English rapidly is incorrect. Joshua Fishman's major study of bilingualism (Fishman and Ma, 1978) and other writers in sociolinguistics observe that language maintenance persists most forcefully in "barrios" or minority enclaves in the society.

One of the definitive studies, "The Sociodemographic Characteristics of Mexican Immigrant Groups" (Bean, Browning, and Frisbie, 1984) using 1980 census data show that 70% of all Mexican immigrants (not just the newly- arrived) were severely limited in English. Recent studies (Cooper and Paige, 1985) using the 5% sample of 1980 Census Data and surveys of native-born farmworkers (Kissan, 1987) show slightly higher proportions of limited-English adult farmworkers, 80-90%. English language competency is a critical element in occupational mobility.

The percentages of Undocumented Immigrants who can not read English is estimated to be above 68% and those who can not speak English to be between 50-60% (Chavez, 1986). Chavez found the average years of formal education to be 5.6 which is considerably below estimates of the education level of California's Work Force. Undocumented Immigrants were found to be considerably younger than their documented counterparts, 27 average years of age versus 39 years (Chavez, 1986). In a recent statewide study commissioned by the California Alliance for Literacy, (SRA Associates, 1987), those persons between 30 and 59 years of age scored significantly better than either age group who were younger or older than that cohort. For instance, those below 30 years of age had up to more than twice the risk rate for performance deficits than those in the 30 to 49 age cohort.

The inaccuracy of the conclusion in the preamble of the proposed regulations is particularly important because it will result in a low and incorrect estimate of SLIAG - irrelated education costs. The inaccuracy must be corrected.

Subpart D - State Allocations, Page 30199, Col. 3

The comments in the preamble infer that there is a there is a three year school enrollment limitation on elementary and secondary ELA's. The basis for this assumptions derived from the definition of "immigrant children" in EIEA (Section 4101 (1)). It is clear in Section 204(b)(3)(A) of IRCA that this definition is not incorporated for this purpose of the Act. In fact, the definition is expressly listed as an expection to be general incorporation of EIEA, and an alternative definition is provided. The applicable definition does not impose a limitation on the number of years a ELA has attended school.

This interpretation is also consistent with general statutory construction principles. To interpret it consistent with the assertion in the preamble would result in the exclusion of children who have the greatest need for supplementary educational services, (children generally between the ages of 8 & 16). Eligible legalized alien children who may be non-literate or semi-literate in both their primary language and the English language have not had the opportunity to attend school on a regular basis due to civil strife or economic hardship prior to migration. Instruction targeted at conversational and academic English proficiency may take more than three years of schooling for these children to achieve a satisfactory level of performance appropriate for their age and grade level.

According to the legislative history, HHS' proposal to apply EIEA's definition of immigrant children would lead to an absurd consequence unintended by Congress. This proposal must be withdrawn and the proposed regulations should clarify the exception intended by the law.

Subpart D - State Allocation, Page 30199, Col. 3

"Specialized agricultural workers are exempt from the English proficiency requirements for adjustment to permanent resident status reducing the need for expenditures for that purpose." Although this statement in the comments is correct, it is important to note that special agrfcultural workers (SAW's) will be required to meet the proficiency requirements if they choose to seek naturalization.

In addition, ESL targeted to special agricultural workers is important because occupational mobility is highly limited for agricultural workers. With limited occupationally mobility, these SAW's will then experience high levels of seasonal unemployment.

Recommendation:

It must be clarified that the provision of educational services to SAW is authorized and within the definition of educational services contained in the proposed regulations.

__Subpart B - Use of Funds, Page 30197, Col. 2__

"Section 204(f) of the Act provides that payment under SLIAG shall not be made for costs to the extent those costs are otherwise reimbursed or paid for under other Federal programs." The proposed regulation further states that the amount of SLIAG funds to educational agencies will be reduced by the amount of funding otherwise available to provide such services.

It is oiur position that there is no program that provides Federal funds for the same purpose as SLIAG. Therefore, there should be no reduction of allowable funds under IRCA on the basis of this section of law.

The preamble asserts that INS is working with the Department of Education to develop a list of programs that must be included in calculating the $500 cap.

__Recommendation__:

It appears that the list of programs will be developed outside the public process. There must be an opportunity to comment on this important interpretation of the law. Therefore, the proposed list of programs, if any, should be published in the Federal Register with an opportunity for comment.

Chairman **Hawkins**. Thank you, Dr. Thornton. The next Witness, Dr. Garland Peed——

Mr. **Peed**. Peed, sir.

Chairman **Hawkins**. Chancellor, San Diego Community College.

STATEMENT OF DR. GARLAND PEED, CHANCELLOR, SAN DIEGO COMMUNITY COLLEGES

Dr. **Peed**. Thank you, Chairman Hawkins. The name is Peed, P-E-E-D.

Chairman **Hawkins**. How was it——

Dr. **Peed**. Fine, I will answer to anything along those lines.

Chairman **Hawkins**. How was it spelled? I must have——

Dr. **Peed**. P-E-E-D, as in David.

Chairman **Hawkins**. P-E-E-D. Thank you. And I apologize.

Dr. **Peed**. Not at all.

Chairman **Hawkins**. Typographical error.

Dr. **Peed**. Probably the way we sent it out.

Thank you for the opportunity to come up to speak to your Committee. I think that this is a marvelous thing that you are doing to gain a field of information regarding what is going on in this particular area. I would like to alter my remarks a bit. You have my prepared talk. I just refer you to Attachment A, because I deal visually, in graphics, on attachment A of my report, a graph, which shows the interrelationship of our thinking of the local—at the local district to IRCA to the HR-1862, which you are looking at in the 100th Congress, the Adult Education Amendments, and the Vocational Education Act. And as we looked at those, we saw some interrelationships,] particularly between the Adult Education Amendments in 19—of 1987.

Our graph, I think, portrays the philosophy that your Committee has espoused this morning. The requirements of reading or an understanding of English, the requirements of history, the requirements of U.S. Government are not parallel; they are sequential. The fundamental piece to all of this is literacy, the ability to read and to write and to understand the English language, both orally as well as written, as already indicated, and the component of listening.

My tact this morning is a little bit different, and I indicate that it has been my experience in almost 30 years of administration that we do not always get all the money we need.

Therefore there is another element to this, and that is the efficient use of the resources that we do receive.

In the Adult Education Amendment, that you are looking at in the 100th Congress, this is HR 1862, there is a section I would like to refer to. It is Section 373[b], titled Determination of Literacy. In that Section, it requires the Secretary, Secretary of Education, in consultation with Congress, within the first two years of the enactment of the Adult Education Amendment of 1987 to make a determination of—and I have underlined this in my report—criteria for defining literacy, and shall identify concretely those skills that comprise the basic educational skill needed for literate functioning.

If we are going to have accountability in the conservation and wise use of resources, that piece which is contained in the Adult

Education Amendment of 1987 is absolutely critical. And that is the piece that has been referred to by Ms. Thornton, Dr. Thornton, in the—what we have been working on a great deal in the State of California, under the leadership of the State Department of Education, there has been 40 districts that have formed a consortiom to work on developing various assessment techniques, which have resulted in what we refer to as the comprehensive adult student assessment system, CASAS for short. And it assigns various scores to various kinds of demonstrated competencies by the student. And we can determine, from those scores, where that student is at the particular time. How much education it is going to require to move on to the next step. And in the chart that I include as Attachment A to my report to you, I refer you to that, and indicate some of the competencies that are required, what is shown to be a student at, let us say, scores at the 180 level, to move to the scores at the 215 level, which is just beginning GED. But to become employable, we refer to the 225 level.

But nevertheless, the idea that I wish to instill here, and the approach that I wish to take is a wide use of the resources that we are allocated.

The question was raised earlier, before the previous panel, about the INS techniques. and what can be done in order to improve those. There is no standardized methodology of determining capability on the part of any immigrant by the INS. That is the piece that is missing. It needs to be developed, a standardized testing and a uniform scale, which is both valid and reliable, so that one testor will apply the same test in the same way and get the same results, hopefully, as another tester. So that the luck of the draw on the immigrant who is before the tester, or the INS agent, is not ruled out, because he just happened to be in front of the wrong person.

Mr. Chairman, I have given you my comments. I feel that they are extensive in the written material, and with that I will cease. I would just emphasize that the wise use of resources, not necessarily an unlimited flow of resources, because that is not been the experience of a local district in any program.

I agree that the program appears to be underfunded, particularly in California. When we look at the effort that this State has made with the greater avenues of independence, the GAIN program, the IRCA, the caps that we have on the enrollments, and so forth, of adults. But nevertheless, the wise use of resources is absolutely essential, and to gain the wise use of resources involves accountability. To have accountability you have to have measurable outputs.

[The prepared statement of Dr. Garland P. Peed follows:]

Peed /Sandiego

PRESENTATION REGARDING IMMIGRATION REFORM AND CONTROL ACT
AND
ADULT EDUCATION AMENDMENTS OF 1987

September 28, 1987

Field Hearing at
Manfred E. Evans Community Adult School
Los Angeles, California

Presented by: Garland P. Peed, Chancellor
San Diego Community College District

Presented to: Committee on Education and Labor
U.S. House of Representatives
Augustus F. Hawkins, Chairman

PRESENTATION REGARDING IMMIGRATION REFORM AND CONTROL ACT

AND

ADULT EDUCATION AMENDMENTS OF 1987

Garland P. Peed
Chancellor

Opening Remarks

Chairman Hawkins and members of the Committee on Education and Labor of the U. S. House of Representatives. Thank you for this opportunity to present my thoughts regarding the Immigration Reform and Control Act and the Adult Education Amendments of 1987. These two bills, coupled with the Vocational Education Act, form the basis of our assisting individuals in overcoming illiteracy and becoming productive citizens in our country. The San Diego Community College District is a community college district serving between 150,000 and 190,000 students per year through our public and private educational programs and services. In addition to the traditional collegiate program, we provide adult and continuing education programs for the adult population (18 years of age or older) in the metropolitan San Diego area. In 1986-87 we served 90,613 students through our 10 continuing education centers. The breakdown by curriculum classification was:

ESL	19,312
ABE	4,671
Disabled	3,136
Short-term Vocational Education Leading to Gainful Employment	24,082
High School Diploma, Child Development, Consumer Education, Older Adults, and Citizenship Classes	39,412
Total	90,613

We are currently the second largest community college district in the state of California offering comprehensive basic education collegiate and honors programs to our population. We are proud of our District. We think we do a good job and are looking forward to assisting the eligible legalized alien in achieving citizenship status.

The Issues

I will concentrate my testimony on education services for adults only. Attachment A is a chart which has been devised to portray the relationship of the various Acts as we view them. The Immigration Reform and Control Act, authorizes states to utilize State Legalization Impact Assistance Grants (SLIAG) funds for the provision of educational services to assist eligible legalized aliens in becoming citizens. To be placed in "permanent status" he/she must:

1) demonstrate minimal understanding of ordinary English and a knowledge and understanding of the government and history of the United States; or,

2) be satisfactorily pursuing a course of study recognized by the Attorney General which will lead to an understanding of English and knowledge and understanding of history and government of the United States.

The Adult Education Amendments of 1987 (HR1862) seek to encourage the establishment of adult education programs which will:

1) enable adults to acquire the basic educational skills necessary for literate functioning;

2) provide these adults with sufficient basic education to enable them to benefit from job training and retraining programs and obtain and retain productive employment so that they might more fully enjoy the benefits and responsibilities of citizenship; and,

3) enable adults who so desire to continue their education to at least the level of completion of secondary school.

I will not at this point cite the various sections of the Vocational Education Act, but suffice it to say that the Vocational Education Act also addresses the limited English and non-English speaking persons and employment preparation.

As we study these Acts, the underpinning of all of the programs is literacy; that is, the ability of the individual to speak, read, write and understand the English language. Failure usually results in the individual being unproductive and being placed upon the welfare roles or some other public assistance program. Therefore, in the Attachment A chart, I have indicated "literacy" as the foundation.

Adult Education Amendments of 1987, Section 373(b), Determination of Literacy, requires the "Secretary, in consultation with Congress, within the first two years after enactment of the Adult Education Amendments of 1987, to make a determination of the criteria for defining literacy. . . and shall identify concretely those skills that comprise the basic educational skills needed for literate functioning." (emphasis added) This section of the bill is critical. Without a definition of literacy, and what a literate person is able to do, the accountability as to whether or not a program is successful in meeting the objectives of these bills is missing.

How do we know a program is effective? When is a person able to function at a survival skill level in our society? When is a person ready for entry-level job training? When is a person ready for secondary school education? When is a person able to study U.S. history and government? If the adults are free from handicaps, the answers to these questions are determined by the language or literacy skills. Therefore, it is imperative that appropriate and concrete definitions are forthcoming, otherwise we will be spending a great deal of money and have no idea, or at best little idea, as to whether this expenditure of funds is meeting the desired objectives of the legislation.

California Experience

In the State of California, we have made an effort and are continuing to make an effort to define competencies that are associated with literacy entry-level employment, secondary school education, and citizenship and journeyman level employment. Together with the California State Department of Education, the San Diego Community College District has coordinated the development of the Comprehensive Adult Student Assessment System (CASAS) with the assistance of a consortium representing over 40 education agencies in California. This effort was made possible through Federal financial assistance, and for that we are extremely appreciative.

More than 150,000 adults enrolled in English as a Second Language (ESL) and Adult Basic Education (ABE) have participated in the field testing of this assessment system over a seven-year period, thus creating the largest data base of adult ABE and ESL functional literacy in the United States. The United States Department of Education has identified CASAS as a validated, exemplary program and provided funding for national dissemination through the National Diffusion Network. We have the testing results of adults, based upon their demonstrated competencies and their progress toward the achievement of specific competencies. We are able to monitor and document competency attainment and improvement. We have a model which provides accountability. Once again let me refer to the chart, Attachment A. We have learned through our experience and research, that for a person to be engaged in many entry-level employment training programs and/or to participate in a citizenship class which uses the simplified version of the Federal Textbook on Citizenship, they need functional literacy skills at approximately a 215 CASAS level. For the person to become employable in a more technical job, or pursue secondary education he/she needs functional literacy skills demonstrated at a CASAS level 225 or higher. This research has been gathered through the extensive work in California and seven other states (Connecticut, Maryland, New York, Virginia, Washington, Massachusetts, and Florida). I urge you to look at this adult assessment system carefully in defining literacy.

Let me provide you with some examples and the impact upon instruction. If a student has a minimal level of English understanding, that is they can tell time by looking at a clock, they can provide personal identification data such as name and address, but they cannot follow simple directions, they will most likely score at CASAS level 180. On an average, that student will require approximately 1200 hours of English as a Second Language (ESL) instruction to raise them to the CASAS level 215 so he/she will be able to benefit from simple citizenship instruction and entry-level employment instruction. This is fully one year of English as a Second Language instruction, if we assume that the student attends 5 hours a day, 5 days a week, for 4 weeks of every month. Once the learner has reached the CASAS level 215 it will take between 100 and 300 hours of additional preparation for he/she to be ready for secondary school work. In summary, the average ability student must attend a year to a year and a quarter of concentrated ESL instruction to become ready for secondary instruction, and/or more technical job preparation programs. Attachments B and C indicate what we can expect of an adult who is literate on the CASAS Scale for levels 210-215 and 225.

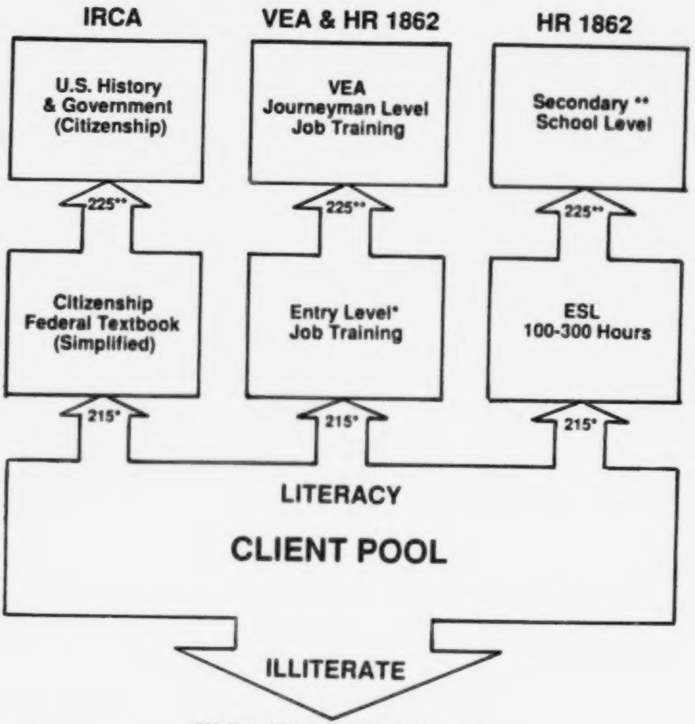
Relationship with Other Agencies

Both the Immigration Reform and Control Act and the Adult Education Amendments of 1987 encourage local education agencies to cooperate with business employers, labor unions, community based organizations, etc., in the identification of and provision for educational services to functionally illiterate persons. In addition, the Immigration Reform and Control Act is placing a requirement on employers that their employees must be identified as being eligible legal aliens or citizens. We have found a large increase in enrollment in citizenship classes and a demand for ESL and vocational ESL instruction. We compliment the Congress on stressing this relationship. Recently the Hudson Institute in cooperation with the Department of Labor published the Workforce 2000 which identifies the problem of the United States maintaining its competitive position internationally because of the potential lack of literate individuals to handle technical jobs. We must, for our own survival, overcome this literacy problem.

Funding

The Governor and the legislature of the State of California are making a significant effort to meet the educational deficiencies of the citizens of this State. California appropriates to its public educational agencies, one of the highest per capita amounts in the country for the education of adult citizens. In addition, the State of California has adopted legislation (Greater Avenues for Independence, GAIN) to improve literacy and the employability of persons currently receiving welfare benefits. However, California's significant effort is reaching its limitation due to the limited ability of the states taxpayers to support it. The people of this State have voted to place a cap or ceiling on public expenditures. The ceiling is sufficient to accommodate the continuance of this great effort, but the added cost of bringing on line 90 percent of the 1.6 million eligible legalized aliens may be more than the State has the resources to achieve. It is estimated that of its 1.6 million eligible legalized aliens, 10 percent are currently receiving services. If this estimate is accurate, the addition of the remaining 90 percent into our system will place a great burden on our resources. In our District alone, we have experienced a 20 percent increase in enrollment for the 1987 fall semester. We are seeing thousands of new students enrolling at our centers and colleges to avail themselves of the educational opportunities offered by our District. The addition of large numbers of eligible legalized aliens may cause our system to be overtaxed and thereby delay the inclusion of these students into our classes. A delay will have an impact upon their ability to be placed in permanent status. I cannot say at this time, that we will not be able to supply the services. My purpose here, is only to alert this Committee about our concern regarding the adequacy of our resources to accomplish the job. We are going to make every effort to assist the adults in our community in achieving what we refer to as "the American dream"; that is, to be productive, contributing citizens in our society. We welcome that challenge, and we look forward to your review of our performance. We want that review to be based upon definable and measurable criteria, and if that is the case, you will find that our programs will be successful. Thank you.

Educational Services Progression


IRCA
VEA & HR 1862
HR 1862
U.S. History & Government (Citizenship)
VEA Journeyman Level Job Training
Secondary ** School Level
225**
225**
225**
Citizenship Federal Textbook (Simplified)
Entry Level* Job Training
ESL 100-300 Hours
215*
215*
215*
LITERACY
CLIENT POOL
ILLITERATE

(Welfare/Other Public Assistance Programs Will Be Impacted)

*CASAS Level 215

**CASAS Level 225

CASAS: Comprehensive Adult Student Assessment System
IRCA: Immigration Reform and Control Act
HR 1862: Adult Education Amendments of 1987
VEA: Vocational Education Act

ATTACHMENT A

CASAS 210-215 SCALE LEVEL

Student Performance Level 4-5
ESL High Beginning, Low Intermediate

1. Can satisfy basic survival needs and some very limited social demands.

2. Can handle entry-level jobs and job training that involves following simple oral and very basic written instructions but in which most tasks can also be demonstrated. Work is routine and repetitive and requires minimal communication to function on the job. (A native English speaker accustomed to dealing with limited English speakers will have some difficulty communicating with a person at this level.)

   Examples of training programs and jobs:

   - Electronic Assembly
   - Laundry and Dry Cleaning
   - Landscape Gardening
   - Power Sewing
   - Entry-level Food Services
   - Housekeeping/Child Care

   Examples of Basic Skill Competencies:

   Read and fill out simple forms with basic personal identification such as name, address, social security number, and additional information that requires very short responses.

   Identify and use coins and currency. Make change.

   Read basic warning and safety signs.

   Follow three-step sequential directions.

   Respond to work-related commands.

   Fill out basic information on a time sheet and calculate weekly/monthly hours worked.

   Locate information from a table of contents.

   Use the telephone to request information and communicate information.

   Participate in a citizenship class and study a simplified version of the Federal Textbook on Citizenship with much assistance from an instructor.

Comprehensive Adult Student Assessment System (CASAS), 9/87

ATTACHMENT B

CASAS LEVEL 225 + SCALE LEVEL

Student Performance Level 6+
ESL High Intermediate, Advanced Levels

1. Can satisfy most survival needs, routine work and social demands.

2. Can handle jobs and job training that involves following simple oral and written instructions and diagrams.

3. Can demonstrate basic skills needed for entry into high school programs.

Examples of training programs and jobs:

Auto Mechanic
Welding
Machine Trades
Entry-level Clerical Assistant I
Electronic Technician
Cook/Prep Cook

Examples of Basic Skill Competencies:

Write a simple letter of job application.

Interpret and fill out job related and simple governmental forms.

Interpret simple charts, maps, graphs and diagrams.

Study instructional materials for the General Educational Development (GED) test.

Solve basic math problems that require computation with whole numbers, decimals and percentages.

Read and interpret a pay check stub (i.e. salary and deductions).

Read and interpret want ads and job descriptions in newspapers.

Read a newspaper.

Read and interpret information about citizenship, including the rights and duties of a citizen.

Comprehensive Adult Student Assessment System (CASAS), 9/87

ATTACHMENT C

Chairman HAWKINS. Well, thank you, Dr. Peed. The Chair recognizing that despite the fact that we are moving with some degree of expedition, the problem may be that we may not entirely deal with every subject matter that we could possibly deal with and get a fair discussion and answer to it. For which we apologize.

I think you will recognize that the hearing was planned as a means of bringing into sharp focus, as soon as possible, some comments which would help us in dealing with the regulations that we cannot possibly carry these hearings throughout the year. This is only the beginning. I would advise the Witnesses, as well as others, that many of the answers will come in meetings which we will direct through the staff of the Committee. And I would like to take the time to introduce staff members who will be consulting with some of you as a follow-through to questions we cannot possibly get answered in the limited time before us.

Mr. Ricardo Martinez, to my left, is a Chief of Staff, in terms of the subject matter. Ms. Karen Vagley is somewhere in the audience, I suppose, already, soliciting comments, and Ms. JoMarie St. John is seated over here between these two gentlemen, representing the Republican members of the Committee. And I would hope that when Ms. St. John or Mr. Martinez or Ms. Vagley approaches any of you, you will know that they are acting officially for the Committee, and they will try to develop many questions to get the answers through them as well as through the Committee.

There were just two points which I suspect we do not have a lot of time to get the answers, and I do not want to go through the three witnesses, but if you have, if either one of the three Witnesses has submitted comments already—in terms of the regulations, we would appreciate copies of what comments you have filed so that we can follow through in terms of what the interpretations that you have put upon the law and the regulations conform to what the Committee, itself, is doing.

And the other as mentioned by at least two of the Witnesses, the question of testing. What tests will be used. There is some competition, as you know, as for the tests, particularly whether they would be federal in character, state and local. And we would appreciate receiving comments from you in writing, or through the staff, as to what recommendations you would make as to what the testing process should be.

The other questions, Dr. Thornton, deal largely with you, because I think that too often we assume only one small part of what the problems may be, and we overlook the fact that the subject matter brings into sharp focus if we, indeed, are going just beyond acquiring a language, it goes much beyond that, and what impact the full implementation of the immigration act will make on other subject areas, and other areas, such as adult basic education, Voc ed, what relationship this has to GAIN, and what we understand is already a serious problem in GAIN, which would involve, probably, some of the same people who would be assisted under the Immigration Act, but who obviously would be denied an opportunity, then, in Voc ed or JTPA, or some of the other areas.

This is a very critical problem, I understand, and it would take us, probably several hours, even if I had all the afternoon to sit down with you, and you had all the afternoon to give to me, we probably would not come up with all of the answers. But I would like very much if you would sit down with some of our Staff, or if our Staff could make an appointment with you to explore some of those difficulties.

Other than that, the Chair will then yield to Mr. Martinez.

Mr. **Martinez**. Thank you. I will try to keep my questioning short because you said, Mr. Chairman, the responses might come through us and many of these questions and through the testimony and evidence presented as we go on. But the one thing I would like to know, and Mr. Wariner, you can probably answer this for me. We repeatedly heard the other panel referring to the $500 per student which seems to be their expectation. I have a greater concern that ever that might not be what they get if the State Department of Health and Welfare does not pursue the broadest interpretation of the definition of services provided. Since the regulations that are proposed and have not been set yet are unclear, I am wondering do the State and the Governor's offices intend to make as broad an interpretation as they possibly can so that those services provided could be demonstrated as great, so that the amount of money that is finally set is adequate? Suppose that, you were to receive, under that kind of a broad interpretation, $3,000. And as determined, you received somewhere less, maybe $2,600. That, at least, is money returned to the State for the benefit of this program. And whether the allocation remains $500 or somewhat close to it—as returned to the individual service, the participant—we retain it. Would we not be a lot better off?

Mr. **Wariner**. Well, you have asked several questions. We have raised—I did it personally with people from HHS a couple of weeks ago the same question. That is, what is the correct interpretation. Is it $500 times the number of eligibles, which is certainly what we think is a reasonable interpretation, or is it a $500 cap.

We raised that same issue in our official written comments which we filed with HHS.

Mr. **Martinez**. Let me ask you to get to one question, which is the bottom line question. Why is California limiting the definition of services to only those English proficiency and citizenship skills. On the basis of what I said earlier, if the broadest interpretation is on the basis of that formula basis to bring us the greatest amount of money.

Mr. **Wariner**. Well, what we had to face in California was that the amount of money available to California in the first year and the less that is available in the succeeding year is inadequate to meet the needs that the Adult Assistance grants were intended to meet. So we were in the unenviable position of dealing with the needs for health services, social services, and educational services. We got together and put out our best shot at what the priorities ought to be. And as we read the law, those kinds of services which will qualify people to participate in regularization of their status have the highest priority.

Mr. **Martinez**. Are you worried that in your definition in the constant reference to the $500—and it seems to me that we are saying that that is the educational need for the alien, and that is somehow going to be interpreted as to setting that kind of amount as the total need for referring to just these per alien—per defined alien.

Mr. **Wariner**. We did not urge that definition on the Federal government. Quite the contrary.

Mr. **Martinez**. Thank you. I have no further questions.

Chairman **Hawkins**. Mr. Torres.

Mr. **Torres**. I wanted to ask Dr. Thornton a question. Dr. Thornton, how do you intend to better follow the educational needs of the legalized persons, and to also evaluate the effectiveness of the services that are being provided?

Dr. **Thornton**. Basically, as we said earlier, we feel that in this State we already have some fairly good programs in place that are already present in our adult education system. When we look at having recently gone through the implementation of GAIN, where we had a large number of ESL clients, where we could use CASAS as was mentioned earlier, to come up with an assessment tool that very clearly has shown the score and what that score will bring about as we give services to that individual client, because we are talking about individual needs. We are talking about assessing. We are talking about the level of progression. We are talking about adult outcome-based education. We are talking about job specifics. The only problem we have in the State, as mentioned earlier, was the lack of funding to expand an already successful implementation model, which would include working with Catholic Charities and other community-based programs, which would include expanding the services that we can give in the at-risk population of the young adult.

We have in this state an SP-65 program that was defunded this last year, but nonetheless the model is there, given the dollars, that when we bring the youngster back into the system, that 14 to 18 year old, that we can put them in what we presently have now are educational clinics, where he or she can get the assessment, get the remediation needed, get the acquired basic skills, and move on.

So we are saying that we have got the program. We do not have the monies to expand it, nor do we have the level of priority and funding where this coming year we we will get K-12 funding. I mean, that is expressly included from our present delivery plan, that there is no money for K-12, because the assumption is we already have enough. Well, I think if you have been keeping up with what is going on in the State, we do not have enough, and we have a commission that presently is looking into the concerns of educating a California that is truly diverse and unique.

Mr. **Torres**. Thank you. Thank you for a good answer. Mr. Chairman, I have no further questions for the Witnesses.

Chairman **Hawkins**. The Chair will again thank the Witnesses. You have been very helpful to the Committee and when I mentioned a follow-through, I was very serious about it. I would like to keep in touch with you and certainly appreciate your cooperation.

Dr. **Thornton**. Thank you very much.

Chairman **Hawkins**. Thank you. The next panel will consist of Ms. Linda Wong, Esquire, Associate Counsel, Mexican-American Legal Defense and Education Fund; Ms. Aurora Quevedo, President, California Association for Bilingual Education, Stewart

Kwoh, Esquire, Executive Director of the Asian Pacific American Legal Center for Los Angeles, California.

While they are being seated, may the Chair announce that Senator Torres has submitted testimony to the Committee and cannot be present here today. He has submitted testimony and asked that several questions which he raises in his testimony, be answered. I will use the same technique in this regard of submitting the questions to the appropriate witness, who may then respond to the Committee. We are deeply appreciative, also, of other testimony which has been submitted from others, including—I will take the testimony together at the end of the hearing, and ask that the various remaining statements that are not represented by actual witnesses be included in the record at the appropriate time.

Mr. **Torres**. Will the Chairman yield?

Chairman **Hawkins**. Yes.

Mr. **Torres**. Did I understand that Senator Torres had also been asked to be a Witness and was not able to be with us?

Chairman **Hawkins**. He was invited.

Mr. **Torres**. I see.

Chairman **Hawkins**. He is, I think, out of the Country, and traveling, I think on official business. We will include his testimony.

Let me ask, is there anyone representing him in the audience? Have you the testimony and that?

Voice From Audience. We are submitting a letter as well as questions that have been incorporated in our testimony.

Chairman **Hawkins**. Without objection, that request will be granted. Thank you. Does that answer you?

Mr. **Torres**. That answers it. Thank you, Mr. Chairman.

Chairman **Hawkins**. The first Witness, then, is Ms. Wong.

STATEMENT OF LINDA WONG, ESQUIRE, ASSOCIATE COUNSEL, MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

Ms. **Wong**. Thank you very much, Mr. Chairman. I do appreciate the invitation extended by the Committee to the Mexican American Legal Defense and Education Fund to have this chance to testify to you today about the impact of the new law on the community here in Southern California.

What I would like to do in my testimony is to focus on three issues. First of all, give you a sense of the scope of the impact the immigration laws have here, particularly on the schools. I would like to focus on the students and parents, who are the people who have been contacting MALDEF here in Los Angeles about various related problems since the enactment of the law.

Secondly, I would like to focus my remarks on some of the concerns we have about the second stage of legalization, and particularly the English language and citizenship requirements, and the availability and the quality of educational services that will be provided for the newly legalized immigrants.

Finally, I would like to offer some suggestions to the Committee, in terms of fashioning a strategy over the coming year to deal with the increased demand on our educational programs and services at the federal level, as well as the local levels.

In focusing my remarks and the impact of the law, let me say this. So far the testimony this morning, we have targetted the comments in a very narrow aspect of the Immigration law. And that is the role of the schools in providing educational services, for newly legalized immigrants, when they enter the second phase of the legalization program.

In reality, the impact of the law is much broader. I think we are beginning to see that. Schools are not only service providers, they are employers, they are intermediaries between the students and parents and other institutions in our society. So the role they play is a multi-faceted one, and a very complicated one, and it is because of that diversity and their responsibilities that we have seen some problems emerge—problems that we thought had been laid to rest many years ago, but which are resurfacing again.

First is the issue of confusion. As is very apparent here in Southern California, ever since the enactment of the Immigration law, we have observed a great deal of confusion over the details and the facts over this new Immigration law. In fact, let me tell you that when the law was enacted, we saw a drop in attendance in the public schools, because parents were afraid that if they did not qualify for legalization, they and their children would be removed from the schools by the Immigration service. So there was a great deal of stress concern on the part of the parents, as well as the students in attendance.

Secondly, we observed a considerable amount of misunderstanding among school administrators as to how the new immigration law would affect continued access to public education for non-citizen students. We encountered situations in which administrators were under the impression that with the enactment of employer sanctions that undocumented students could no longer enroll in the public schools. We received complaints from parents here in Southern California, as well as from other parts of the Southwest, advising us that they could not enroll their children in school because school administrators wanted some evidence of their lawful status in this Country.

As you and I know, this issue was laid to rest back in 1982, when the United States Supreme Court issued a ruling stating that all children have a right to public education, and that that equal access would not be contingent upon the immigration status of the parents or the students. And yet, that kind of information has not been properly or effectively disseminated to school administrators and officials down to the line level.

Third, we had that problem compounded by a new development in the Tax Reform Act. When Congress passed the 1986 Tax Reform Act, there was a provision in there that required all taxpayers to provide Social Security numbers for all family members over the age of five. Health and Human Services, in conjunction with the Social Security Administration issued notices to school districts throughout the United States asking school districts to send notices home to the parents to encourage the parents to obtain Social Security numbers for their children.

As you can well imagine, as those notices were issued by the school districts, there was a great deal of fear and misinterpretation arising over the precise meaning and effect of those Social Security requirements.

The consequence of this was the fact that many parents were afraid that if they did not produce the Social Security numbers, that they would be turned over to INS, that their children would not be allowed to enroll in the public schools.

Given the concerns that were brought to our attention we communicated with the California Superintendent of education, Bill Honig, who communicated with the Texas Department of Education, as well as other educational institutions in the Southwest, to ask them to send out clarifying notices, to advise school districts and administrators, this effort was strictly a voluntary one, and that failure to produce such numbers would not result in the elimination of students from the public schools. But let me tell you that before those notices went out, there was a great deal of concern. The fear that is already there in the community was aggravated by this latest communication from school district officials, and it took a great deal of effort to try to clarify the situation to the parents and the children.

Finally, with regard to employer sanctions, one of the concerns that we have is that the schools be sensitive to the changing demographics of the student population. Schools are not only providers of educational services, they are employers as well. And in implementing employer sanctions, schools have as much responsibility as employers in the private sector, where the law is implemented equally and fairly without discrimination. So far, to my knowledge, based on our observations, the schools have more or less responded to the impact of the new law on an ad hoc basis. In many instances, the intitiative was left up to individual principals and school administrators to deal with the full consequences of the Immigration law. I saw very little coordinated effort between administrators, school officials, teachers, and parents through existing advisory bodies, to try to make sure that this new law will have minimal repercussions for the student population.

In giving you that overview of the effects the Immigration law has had on parents and children, I want to give you a glimpse of the potential impact that these educational requirements will have on the school population. Not only on students who are enrolled in grades K-12, but the adults who are now making their way into the adult education program.

Believe it or not, the majority of people who are now going through the amnesty program are not aware of the English language and citizenship requirements. The informational campaign that the Immigration and Naturalization service just recently instituted has been a very spotty one, at best. And so, much of the information dealing with eligibility requirements of amnesty, particularly at the second stage, have frankly not gone out to the community.

So if you think that what we are seeing now is bad, the increased demand placed on our ESL program, both in the primary and secondary levels, as well as adult edueation, you have not seen anything yet. It is going to get much worse as the information begins to sift out in the community about these new requirements.

In going through those requirements, let us go to the regulations, because it is important for us to understand which educational institutions are allowed, under the law, to provide ESL programs to these newly legalized immigrants. That will give us an idea as to the availability of the existing services, and also the quality of those services, which is another issue that we cannot ignore.

As the regulations are currently worded, an applicant for permanent residence has the option of either taking and passing a test, establishing minimal understanding of English and of American history and citizenship skills, or enrolling in a recognized course of study. Now the issue here is what constitutes a recognized course of study? In the regulations that are now available to us, the Immigration and Naturalization Service indicates that those recognized courses of studies may be instituted in public schools, community colleges, other public educational institutions that are certified by appropriate State agencies, or private educational institutions, certified by the Immigration and Naturalization Service, itself. In other words, private institutions that are recognized by the Immigration Service as having the ability to issue I-20's, student visas, to those who are foreign-born. And thirdly, qualified designated entities. The non-profit organizations which, I assume are the same agencies that are now recognized by the Immigration Service as organizations that are licensed or authorized by INS to provide assistance to those seeking legalization.

So far in the testimony this morning, we have focused on one very narrow aspect of those organizations, the public schools and the community colleges. We have yet to hear from other institutions. Private institutions that offer ESL instruction, as well as the non-profit sector. When we go into these areas, it is incumbent upon us to not only ensure that there are available services, because it is very apparent the public schools are not in a position to provide all of the necessary services but secondly, that there be some kind of quality control to ensure a minimal level of teacher competence, to ensure that adequate teaching resources, books, materials, are made available. If we do not, then I can guarantee to you that the kinds of problems that we are encountering today, exploitation of these undocumented people who are desperate to apply for amnesty will occur when they begin seeking English language services.

As it now stands in Los Angeles County, we have an estimated 800,000 to a million eligible undocumented people. The qualified designated entities, the legitimate non-profit organizations, can meet perhaps 40 percent of the demand for help in going through legalization. The question here for us to ask is to what extent will existing resources be available to meet that new demand to ESL and citizenship training programs? Will we encounter the same kinds of problems we are finding today, in which institutions and businesses who want to make a buck will take advantage of these people and begin charging for English-language programs that may not be recognized by the Attorney-General.

In evaluating the need, I think we have to be comprehensive, as much as possible. We have to look at not only what the public schools have to offer, but the community colleges, the private sector, in identifying the increased need that will result as a consequence of these English language and citizenship requirements. We need to stress to the schools and the educators that they cannot impinge upon the privacy of these students. In other words, in order to ensure that local governments and various agencies are given their fair share of the federal reimbursement grants, we cannot have these state agencies or the local institutions begin questioning people about their immigration status. If we do, I can assure you that that will have a chilling effect which will scare people away, which will undercut what we are trying to achieve, which is to eliminate an underclass and to bring these people into the mainstream of society.

Third, in investigating alternative sources of funding, we need to review those other federally-funded educational programs coming up for reauthorization over the next year to three years, to make sure that there is a good legislative history incorporated into the reauthorization of those programs, so that it is clear to the Federal Department of Education, Health and Human Services, as well as State agencies as to what precisely is Congress' intent.

What surprises me is that in the discussion today, there is already confusion over Congressional intent, with a law that was passed barely a year ago. And so, in order to alleviate and prevent any further confusion, I think it is critical for us to build as comprehensive a record as possible to ensure that adequate funds are being made available to these newly legalized immigrants, these new Americans, not only for the State Legalization Impact Assistance Grants, but through the English Proficiency Act, and other Federally funded educational programs.

Thank you very much.

[The prepard statement of Linda J. Wong follows:]

Mexican American
Legal Defense
and Educational Fund

634 South Spring Street
11th Floor
Los Angeles, CA 90014
(213) 629-2512

MALDEF

BEFORE THE
HOUSE COMMITTEE ON EDUCATION AND LABOR

TESTIMONY OF
LINDA J. WONG, ASSOCIATE COUNSEL
FOR THE
MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

THE IMPACT OF THE 1986 IMMIGRATION REFORM AND CONTROL ACT ON EDUCATIONAL PROGRAMS IN LOS ANGELES

LOS ANGELES, CALIFORNIA
SEPTEMBER 28, 1987

National Office
634 South Spring Street
11th Floor
Los Angeles, CA 90014
(213) 629-2512

Regional Offices
343 South Dearborn Street
Suite 910
Chicago, IL 60604
(312) 427-0363

604 Mission Street
10th Floor
San Francisco, CA 94105
(415) 543-5598

517 Petroleum Commerce Bldg.
201 North St. Mary's Street
San Antonio, TX 78205
(512) 224-5476

1430 "K" Street, N.W.
Washington, D.C. 20005
(202) 628-4074

Contributions Are Deductible for US Income Tax Purposes

Ladies and gentlemen of the House Committee on Education and Labor, I am Linda Wong and I am Associate Counsel and Director of the Immigrants Civil Rights Program for the Mexican American Legal Defense and Educational Fund. MALDEF is a national civil rights organization, established in 1968 to protect the civil and constitutional rights of Hispanics.

At present we are concerned with the impact the Immigration Reform and Control Act (IRCA) has had on this community. Since the enactment of the law last year, we have seen a great deal of confusion, anxiety and frustration.1/ For example, while the public schools have offered to provide enrollment records for students and their parents who are trying to document their residence in this country, the school system has not assigned a sufficient number of employees to handle the demand. The result has been a substantial backlog of requests, especially with the summer recess. Families who are anxious to file their legalization applications have had to postpone the filings, in part because of problems they encountered in collecting the documentary proof they needed.

The Act has also caused confusion among school administrators as to what role, if any, the school should play in determining an immigrant child's access to education. For

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1. See the attached Statement for Inclusion into the Hearing Record by John Wilshire-Carrera, Project Director, Immigrant Students Project. The Statement and appended correspondence and news article provide more detailed information about the impact of IRCA on immigrant students.

instance, efforts to encourage parents to obtain social security numbers for their children have led to misunderstandings among school officials and increased fear among parents.2/ The purpose of the social security requirement was to meet a provision in the 1986 Tax Reform Act which requires taxpayers to provide social security numbers for all family members over the age of 5, who are declared as dependents on federal income tax returns. While it was supposed to be a voluntary effort, some administrators believed it was a mandatory requirement for school enrollment. Consequently, we received several reports of children who were not allowed to attend school without presenting evidence that they had a social security number. Parents who could not produce the requested number panicked, because they mistakenly thought they would be reported to the Immigration and Naturalization Service (INS). The confusion abated somewhat, when MALDEF3/ requested that the State Superintendent of Schools specifically require school administrators to inform parents that the effort was strictly voluntary and failure to apply for a social security number would not result in the exclusion of their children from school.4/

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2. Undated notice from the Department of Health and Human Service sent to parents of school children at the request of the Social Security Administration.

3. Letter from Norma V. Cantu, Associate Counsel, Director Educational Programs, MALDEF San Antonio, to William Honig, Superintendent of Education for the State of California, May 12, 1987.

4. Memorandum from the California State Department of Education to County and District Superintendents, July 30, 1987.

While the immediate effects of the law have been significant, of greater consequence are the eligibility requirements for permanent residence under the legalization provisions of IRCA. Section 245 A(b)(1)(D)(i) states:

> "The alien must demonstrate that he either (I) meets the requirements of Section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States) or (II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of the history and government of the United States."[5]

IRCA also appropriates federal funds to reimburse state and local governments for the cost of providing public assistance, medical benefits, and educational services to newly legalized aliens. Section 204(a)(1) of IRCA states in part:

> "In general out of any money in the treasury not otherwise appropriated, there are to be appropriated to carry out this section (and including federal, state and local administrative costs) $1,000,000,000 (less the amount described

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5. Immigration and Control Act of 1986, Pub. L. 99-603 §245 A(b)(1)(D)(i).

> in paragraph (2) for fiscal year 1988 and for each of the three succeeding years."6/

Section 204 (c)(C)(s) further states that:

> "To the extent that a state provides for the use of funds for the purpose described in paragraph (lxc), the definitions and provisions of the Emergency Immigration Education Act of 1984 (Title VI of Public Law 98-511; 20 U.S.C 4101 et seq.) shall apply to payments under such paragraph in the same manner as they apply to payments under that Act ..."

The maximum annual amount to be allocated to educational services under the State Legalization Impact Assistance Grants may not exceed the number of eligible legalized aliens enrolled in any elementary or secondary public or non-public school multiplied by $500.

We at MALDEF believe this cap is inadequate to meet the educational costs for thousands of newly legalized immigrants. We suggest that alternative measures be developed to ensure the continued availability of educational services for those in need of them.

At present, educational resources for language minority students are scarce. For example, the statewide supply of elementary school teachers proficient in Spanish is 6,262; in

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6. Immigration and Control Act of 1986, Pub. L. 99-603 §204(a)(1).

secondary levels, it is only 1,286 teachers. California needs at least 12,000 instructors for both primary and secondary educational levels in order to have a conducive learning environment for its students.7/

A recent study by United Way of Los Angeles8/ indicated that enrollment in grades K-12 had grown 12 percent between 1980-81 and that such growth will continue until 1998. The study further noted that the primary areas of growth will be in Hispanic and Asian enrollment. At present, an average of one in five public school students are not fluent in English and therefore require language assistance. United Way also concluded that educational costs will continue to climb and more funds will be necessary to improve the quality of education for language minority children.9/ What this means is that unless we are willing to spend more money an educational services, minority children will not be able to enter the mainstream of American life. For the newly legalized school child or adult, inability to communicate in English could exclude him/her from permanent residence and eventual citizenship.

As it now stands, the resources set aside for educational

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7. Telephone conversation which took place between Dan Holt, Consultant to the Department of Bilingual Education, Department of Education, and Eric Vega, State Policy Analyst, MALDEF, Sacramento, September 21, 1987.

8. United Way, State of the County, Los Angeles, 1987, United Way Inc. Planning and Resource Development Division, page 10.

9. Ibid. page 11.

programs are seriously deficient. In a recent lawsuit filed by MALDEF and a coalition of public interest groups challenging the allocation of educational resources by the Los Angeles Unified School District, we found a significant disparity[10] between funds spent on minority school children and the resources allocated to white students in suburban public schools. LAUSD spent $417 more on students attending predominantly white suburban elementary schools than on minority students enrolled in the inner city schools. At the junior high school level, the disparity amounted to $240 per student and in the high schools, it was $297.[11]

In the English-as-a-Second-Language (ESL) component of adult education, the picture is just as bleak. In the past academic year, the Los Angeles Unified School District (L.A.U.S.D.) estimated that it turned away nearly 40,000 applicants who sought to enroll in E.S.L. programs. This year, the L.A.U.S.D. expects to turn away as many persons as they serve.[12]

State ESL funds have not kept up with the demand. School districts currently receive funds for state mandated adult of adults in these programs. In grades K-12, ADA is limited to the level funded in 1980-1981, adjusted annually by 2.5 percent.13/ In the community college districts, it is limited to the percentage change in the adult population of the district. These block entitlements were created in 1979 and consequently do not reflect subsequent population growth, especially with the influx of new immigrants in recent years. When a school or community college district generates A.D.A. in excess of the levels authorized for funding purposes, they generally will not receive reimbursement from the state for "excess" A.D.A. They are then forced to turn those excess units away.14/

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[10] Independent Analysis Unit, Los Angeles Board of Education, Analysis of Expenditures Classified by Schools, Instructional Expenditures for Regular Elementary and Secondary Schools, 1983-84. Data compiled and included by MALDEF in Rodriguez et al. vs. U.S. Los Angeles Unified School District, Los Angeles Superior Court, Case No. C 611-358 (filed August 6, 1986).

[11] Ibid., Tables 10, 12, 13.

[12] Los Angeles Unified School District official as quoted in the Los Angeles Times.

It takes six enrollees to accumulate one A.D.A.15/ In 1985-86, 131 school districts out of 288 generated 6,771 units of excess A.D.A. Of those districts, 90 percent reported the excess to be in E.S.L.16/ Further, LAUSD will generate 8,000 units of excess A.D.A. this year alone.17/ It is estimated that $1,160

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13. Analysis of the 1987-88 Budget Bill - Report of the Legislative Analyst to the Joint Legislative Budget Committee.

14. Ibid.

15. Memo from Gerald Kilbert, Department of Finance, to Carlos Gonzales, Adult Alternative and Continuation Education Division, Department of Education, October 7, 1986.

16. Narrative, Statement of Specific Problem or Need, Analysis of the 1987-1988 Budget Bill - Report of the Legislative Analyst to the Joint Legislative Budget Committee.

17. Ibid.

will fund a single A.D.A.18/ Therefore, $9,280,000 are needed to meet the current demand in the Los Angeles Unified School District without taking into account the thousands of legalized aliens who will seek E.S.L. adult education classes. Unless the state reimbursement limits are removed, adult education ESL classes will continue to experience severe shortages and many immigrants seeking to enroll in these programs will be turned away.19/

Given the already acute shortage of services in this area, we must determine the extent to which IRCA will aggravate the crisis.

The English language and citizenship skills demanded by IRCA will undoubtedly exert tremendous pressure on an already overburdened educational system. The pressure will be even greater in the Los Angeles area, because 800,000 of the estimated 1.25 million eligible undocumented immigrants in California live in Los Angeles County20/ Los Angeles County also has the largest number of non-English speaking residents in the state, with more than 31.4 percent speaking a foreign language at

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18. Telephone conversation with Carol Smith, Esq., Legal Aid Foundation of Los Angeles, September 25, 1987.

19. Analysis of the 1987-1988 Budget Bill - Report of the Legislative Analyst to the Joint Legislative Budget Committee.

20. Population Research Unit, California Department of Finance.

If temporary resident aliens are not able to enroll in ESL programs, they will find the doors to eventual citizenship closed. Those excluded from these educational programs could add up to hundreds of thousands of people.

Existing educational resources clearly cannot begin to meet the needs of thousands of immigrants in the coming years. We therefore urge you to provide adequate funds that will allow these new Americans to meet the IRCA requirements for permanent residence. In order to meet this goal, we make the following recommendations:

1) The reimbursement cap on educational services should be replaced with an average-cost assessment.
2) Schools should obtain estimates as quickly as possible on the number of aliens who will apply for permanent residence, so as to better evaluate the increased demand for educational programs.
3) Continuous enrollment in adult education classes at public schools and community colleges should be encouraged so that no applicant for permanent residence will fail to qualify simply because (s)he cannot enroll in a program.
4) A survey should be undertaken to

determine if other agencies can be funded to provide E.S.L. classes; for example:

- a. Church groups
- b. Community based groups and
- c. Other volunteers organizations using L.A.U.S.D. materials.

5) Other possible sources of funding for E.S.L. programs should be identified:

- a. Federal and/or state programs
    - 1. The English Proficiency Act.
    - 2. The California Literacy Campaign for aliens who are illiterate.
- b. Private sector groups: Corporations should be encouraged to join the "Adopt an E.S.L. Class Program" which gives the business community an opportunity to support an E.S.L. class for one semester at a cost of $6,000 per class.

Conclusion

The new immigration law stands to benefit thousands of undocumented immigrants by legalizing their status. Public schools can facilitate the "amnesty" process by offering educational programs which will not only help them qualify for the second stage of legalization, but also give them the necessary skills to become productive members of society. None of these goals can be achieved, however, if we do not have sufficient monies and resources to meet the anticipated demand.

SEP [illegible] 1987
[illegible]
WASHINGTON, D.C.

September 18, 1987

STATEMENT FOR INCLUSION INTO THE HEARING RECORD
BY
JOHN WILLSHIRE-CARRERA, PROJECT DIRECTOR
IMMIGRANT STUDENTS PROJECT

INTRODUCTION

I am Project Director of the Immigrant Students Project - the first nation-wide study of the status of immigrant children in public school which is now being conducted by the National Coalition of Advocates for Students (NCAS). I am an attorney, and an immigrant to this country.

The major goals of the Immigrant Students Project are to:

(1) identify barriers to equal educational opportunity;

(2) develop recommendations to reduce and remove such barriers;

(3) create a constituency for immigrant children by improving awareness of their unique experience and educational needs.

The study will draw upon field interviews with students, parents, resettlement workers and educators to document: (a) experiences of immigrant children in public school; (b) the dimensions of the challenge they pose to the educational system; and (c) the degree to which that challenge is being met. The report will be released early in 1988.

The data-gathering phase of the Immigrant Students Project was concluded this Spring while the Immigration Reform and Control Act (IRCA) was in its first stages of implementation. As a result, little direct information has been collected on the effects that full implementation of IRCA is having on undocumented immigrant students. However, considerable information has been collected on the statute's initial effects on the schooling experiences of undocumented students, and on its anticipated results.

As it became evident by the end of our official data-gathering phase that IRCA was having negative effects on undocumented students and their families, we decided to continue monitoring the effects of the statute, albeit on a limited basis.

Although the Project will not report its findings on the status of immigrant students in public school until January of 1988, I wish to offer the following brief statement.

STATEMENT

It is evident that immigrant students and their families are very motivated, and constantly involved in striving to better their lives. It is also generally evident that immigrant students who have arrived in this country during the last 5 to 10 years, particularly undocumented students, are at-risk. It is further evident that IRCA has, for the most part, exacerbated the barriers which undocumented students have to surmount in order to receive the quality public education to which they are entitled.

Although IRCA will eventually provide relief for a number of pre-IRCA undocumented students from the barrier of undocumented status, it will not provide relief for a significant number of pre-IRCA undocumented students, but will exascerbate their pre-IRCA situation.

Undocumented families generally: (a) hold some of the lowest paying jobs; (b) work long hours; (c) live in overcrowed conditions; (d) have limited contact with schools; (e) refrain from accessing social services; and (f) refrain from turning to police or courts for protection and enforcement of their civil rights. Additionally, this country presents immigrants with a foreign environment, a new culture and a new language. And many live in constant fear of being detected, detained and deported by the Immigration and Naturalization Service (INS). This forces them to live on a day-to-day basis, making it impossible to develop roots in any community, or to plan for a future. As a result, immigrant students begin each day with the need to surmount these major barriers, and the high level of stress they engender.

Initially, undocumented immigrant students and their families must often overcome access barriers to schools. Since Plyer held that it was unconstitutional for schools to deny undocumented students access to public education, few find the formal barriers--such as official denial due to their status--insurmountable. However, they do often have to face informal access barriers--such as requests for records they don't have or can't get--which can work to lengthen the interruption of their schooling or scare them away from school completely. They must also surmount the barriers other immigrant students face, which will be described in our upcoimg report. This all takes place within an environment where schools, community organizations and parents are not being actively informed that immigrants have a right to a public education.

Large numbers of undocumented immigrant students have been unable to survive the experience, and either have never offically enrolled in school, or have dropped out. On top of all of this, undocumented students now have to deal with the implementation of IRCA. For a small portion of these students whose families can easily prove they are eligible for legalization, IRCA only creates the added finacial stress of having to secure the substantial money to pay the filing and legal fees required. For other families who either qualify or appear to qualify but will have a hard time documenting their applications, and those who just don't qualify, IRCA has created and will continue to create major problems.

Those who qualify, or appear to qualify, face the added work and stress of: (a) deciding whether or not to apply; (b) coming above ground after being underground perhaps for years; (c) fearing that their family will be separated if some members qualify while others don't; (d) fearing that if their applications are denied, they are going to either face deportation or again go underground; (e) saving the funds to pay for the application process; and (f) anxiously awaiting the outcome.

Those who don't qualify face the increased stress and economic distress of: (a) losing their job and being unable to get another; (b) fearing they will be discovered; and (c) losing hope of ever gaining legal status in this country.

These pressures have translated themselves into forcing all family members to: (a) work harder to save money or cover for those who can work; (b) go further underground; (c) uproot or make preparations should they have to uproot themselves from their communities; (d) and lose hope of successfully establishing themselves in this country.

As a result, undocumented students have increasingly been faced with greater financial hardship, less support from their parents and family, less time for study and homework, greater pressure to take on part-time and even full-time work, the need to move at a moment's notice, and less hope of successfully completing their education. These pressures have translated into greater disciplinary problems in school for a population that is known for discipline and hard work, stress-related physical problems such as headaches and depression, a greater number of days missed, a high number of dropouts, and a growing proportion of new undocumented students who never register for school.

More specifically, the following has been reported:

- Large numbers of teenage undocumeted students dropped out of school last spring to earn money for their families while it was still possible. These same students appeared not to have returned this fall. (Reported in Long Island, N.Y.)
- Significant numbers of undocumented students are threatening to run away from home should their families be forced to return to their countries of origin. Some have already done so. (Reported in Border Area and West Coast)
- Fewer undocumented students registering for schools in areas where the influx of undocumented students has continued. (Reported in Massachussetts, New York, and West Coast)
- Increased numbers of undocumented students needing mental health services and showing signs of extreme distress (West Coast, New York)

- Increase in incidents where teachers or other school personnel are "scaring" students away by saying things or taking actions which they believe to be correct under IRCA or other laws, which in fact are not correct and serve to scare these students.
    - Telling a student that IRCA overruled Plyler and that he/she no longer has a right to a public education (Syracuse, N.Y.)
    - Telling students that they have to apply for Social Security numbers. (Texas, Washington D.C., and Border Area)
    - Not informing parents that schools are not the point of enforcement of the new immigration law. Although a few schools have allowed INS to take children out of school to deport them with their parents (Texas, California), most schools have been very clear that it is not their role to enforce immigration laws. (New York City, San Francisco, Los Angeles)
    - Large numbers of schools have cooperated with parents in providing them with verification of their childen's attendance at schools to supplement the documentation of their legalization applications.
- A large number of families fleeing to Canada and having to wait at the border for permission to enter Canada causing many undocumented students to interrupt their schooling for significant periods of time. (U.S./Canadian border)

Although a number of schools and community service organizations have been attempting to deal with these additional needs, they do not have the necessary resources or support to effectively deal with the resulting problems. Although most school systems have been open about not cooperating with INS in the implementation of immigration laws--except for the processing of requests for verification of students attendance for legalization applications--they have not been able to do much more.

This law has had a major impact on undocumented students and although its effects have already been devastating for a large number of children and their families, the total results will not be known for some time. Meanwhile, it will have cost the nation much in lost potential and in increased costs.

I strongly urge that this new law be amended to provide for legalization of all undocumented students in a manner which allows them to quickly get back to pulling their lives together. At the very least, it should be amended to provide schools and community groups with funds and other resources to address the problems, to get INS to effectively inform schools, families and community groups of Plyler, to get INS to refrain from using schools to detect and detain students and families, to provide derivative status to family members of those who are granted amnesty to prevent families from being split up, to lower processing fees, and to be less stringent on documentation requirements in the legalization application process.

Thank you for the opportunity to offer my testimony. I look forward to sharing the final report of the Immigrant Students Project with this committee early next year.

[illegible]
Immigration Program

Catholic
Charities
SAN FRANCISCO COUNTY

August 27, 1987

RECEIVED SEP 0 3 1987

John Wilshire Carrera
Immigrant Students Project
NCAS
100 Boylston St., #737
Boston, Massachusetts

Dear Mr. Carrera:

In response to your request for information on the effects which the passage of the new Immigration Law has had on children, I would like to share the following observations which my staff and I have made.

In our experience, it matters little whether children have been told, warned or informed by their parents of the effects which the passage of this law has had on the stability of their family life and future in the United States. Children know what is going on and are very afraid for their parents and siblings. Everyday the media is full of stories which make reference to jobs to refugees and the undocumented, risk of deportation and of families being fractured and divided because some members and not others may be eligible for legalization. Many families have moved underground living in constant fear of being discovered and torn apart.

The most immediate effect of this law has been an economic one, as parents have been dismissed from jobs or now find themselves unable to find employment or are grossly exploited by unscrupulous employers. The quality of life for these families who were barely able to provide for themselves and their children has deteriorated to the point where they are unable to provide for the most basic necessities of life such as food and shelter.

Given the above realities, it is sadly understandable how the additional stresses of this kind of life can lead some families to the breaking point where they begin to manifest problems of anger, depression, violence, drugs and alcohol in their day to day struggle to survive.

To compound these external issues which children are affected by, there are also personal feeling of isolation, alienation and fear which many children experience.

In school, children are often withdrawn and preoccupied with what is happening at home. They are unable to attend to their education because of concerns that mother, father or brother and sister are at risk of being picked up and interned or deported. Although some of these children were born United States citizens, they feel alienated, not- belonging and that at any minute they can be deported to a country that is engaged in a war where their lives and that of their family is imminent danger. There is, therefore, no safety and security in their lives.

Furthermore, some families have opted not to send their children to school, because of the fear that their children will be picked up by the INS and held in detention camps as bait for their parents. This is not an unfounded fear as children have been held in detention centers.

In summary, it is our belief that the children are the most vulnerable and powerless victims, caught in the political agendas which they had no part in creating and no voice in changing. They are treated as inconsequential pawns to be used and abused by the adult power brokers. It is our greatest hope that his will change and that the innocent will be given the consideration and protection they deserve. To that end, our services are particularly directed towards serving the needs of women and children.

In closing, I suggest that you contact Emily Goldfarb, CIRRS, 2111 Mission St. #401, San Francisco, CA 94110, if you are interested in getting case sypnoses of families that have been fractured as a result of this law.

I hope that this information will be of some use to you. Please let me know if I can be of any further help.

Sincerely,

Georgette Elizalde

Georgette Elizalde, MSW
Coordinator Emergency Services

encl.

DEPARTMENT OF PSYCHIATRY AND THE BEHAVIORAL SCIENCES
DIVISION OF CHILD AND ADOLESCENT PSYCHIATRY
Sidney Russak, M.D., Ph.D.
Director

June 20, 1987

National Coalition of Advocates for Students
100 Boylston Street Suite 737
Boston, Massachusetts 02116

To Whom It May Concern:

As a Child Psychiatrist and Clinical Assistant Professor of Psychiatry at the University of Southern California in Los Angeles, I have had the opportunity to both oversee and provide mental health services to hundreds of youngsters from Mexico and Central America. Many such youngsters are without the required documentation for their stay in the United States.

Both the newly arrived youngsters and their parents share the sobering and threatening fact they may be lawfully ordered to repatriate. Our professional staff have noted its psychological impact on these youngsters and their families. This additional stress has not only intensified and prolonged their psychiatric symptoms, but has also compromised their academic performance. Several youngsters, after being extremely distressed about their plight of the imminent mandated deportation, have abandoned their educational goals.

A number of these youngsters are now exhibiting behavioral problems both at home and at school. Others are reacting with symptoms of anxiety, withdrawal and sadness. The Immigration Reform and Control Act of 1986 will also probably soon spur a substantial number of similar youngsters throughout the nation.

I hope that, through your humane efforts, this tide of demoralized young students can be stemmed.

Sincerely,

William Arroyo, M.D.
Clinical Assistant
Professor of Psychiatry

UNIVERSITY OF SOUTHERN CALIFORNIA SCHOOL OF MEDICINE
LAC/USC Medical Center, 1934 Hospital Place, Los Angeles, California 90033
(213) 226-5288

grown increasingly distant and dis-

ople in the schools, who have to decisions rapidly, in a particular of circumstances, don't have time to flectve," he explains. "The universi-ave the time, but they don't have a of the problems that are going on in schools."

One of an occasional series of articles examining major initiatives to restructure schools and teaching.

The result, Mr. Goodlad argues, has been a crisis in schooling of such immense proportions that "nothing short of reconceptualizing and reconstructing

Continued on Page 18

and superintendents who lead them.

It calls for major changes in the way such people are educated, regulated, evaluated, and supervised.

The commission's 30-plus recommendations aspire, the report says, "to nothing less than the restructuring of a national understanding of requirements for educational leadership of the future." They are in-

Both Mr. Shanker and Ms. Lanier were members of the Carnegie Task Force on Teaching as a Profession, and both serve on the planning group charged with establishing a national certification board for teachers.

"We have really been thinking seriously about the need to reform teaching and teacher education, and we need similar kinds of in-depth analyses about the changes that need to occur in educational administration," said Ms. Lanier, who is also chairman of the Holmes Group, a consortium of research universities working to reform teacher education.

"I just don't think the commission went far enough," she said.

According to Ms. Lanier, the commission lacked the time and resources to do the "analyses that was called for."

Mr. Shanker noted that the report in-

Continued on Page 16

acher Recruitment, Selection Procedures Outdated, Study Says

By Blake Rodman

Despite a predicted national teacher shortage, many school districts are still relying on selection, hiring, and placement practices used when job candidates were plentiful, ding to a study released this week by RAND Corporation.

d such practices, the study says, often the selection and discourage the re- of qualified new teachers.

e report calls teacher selection, as ticed today, "the result of . . . historical and political compromises," as well planning.

meet the growing demand for new ers, it argues, many districts will have vise current procedures "to enhance prospects for attracting, selecting, and ing well-qualified recruits."

t for such improvement to occur, dis- will have to surmount a variety of ob- , according to the report, including fied state-certification requirements, lengthy and cumbersome screening procedures, poor timing, and inappropriate ment decisions.

combination of these factors, the study , frequently leads school officials to hire persistent local applicants, rather than better-qualified candidates from outside the immediate geographic area.

Based on case studies of six representative school districts, the 102-page report, "Effective Teacher Selection: From Recruit-

Continued on Page 20

Educators Are Unsure of Implications Of Immigration Reforms for Districts

By Ellen Flax

As federal officials move to implement the landmark Immigration Reform and Control Act of 1986, educators are attempting to assess its potential consequences for the schools.

"It's too soon to know how this is affecting people," said Lori Orum, director of the innovative-education project for the National Council of La Raza, a Hispanic civil-rights group. "There is a great deal of confusion on the part of schools."

The long-debated measure signed into law late last year requires schools, like other employers, to verify that employees hired since Nov. 7, 1986, are eligible to work in the United States. The U.S. Immigration and Naturalization Service will begin enforcing that provision in June.

But for school districts with large numbers of foreign-born students, the law's effects are likely to be felt beyond the personnel office, immigration experts predict.

For example, they say, school officials should be prepared to help students who are illegal aliens, and their parents, meet the specifications set out by the I.N.S. to qualify for amnesty under the new law.

In some districts, administrators say they are gearing up to handle an expected

Continued on Page 17

Business and School Leaders, Citing New Study, Call for Massive Effort To Lift Literacy Levels

By Robert Rothman

Leaders from the business and education communities issued a joint call last week for American institutions of all varieties to join with schools in a nationwide effort to improve literacy skills, particularly among the disadvantaged.

At a New York City press conference called to release the latest in a series of reports from the National Assessment of Educational Progress on the problem, speakers said that the demands of an increasingly complex society made such concerted action mandatory.

"Schools will deliver whatever we expect of them," said Archie E. Lapointe, NAEP's executive director. "If we send a clear signal, as a society, that higher skills are necessary for all segments of the population, we can expect things to happen."

"It is an educational problem, situated in schools, and the education community bears the heaviest burden," said Sol Hurwitz, senior vice president of the Committee for Economic Development. "But it goes beyond the conventional limits of what we consider education."

He predicted that businesses would em-

Continued on Page 16

Also in the news

5 **Solution to Dropout Problem Seen Elusive and Expensive**
It is not a lack of knowledge that hinders efforts to lower the dropout rate, a new study asserts, but rather a lack of money, will, and cooperation.

8 **Secular-Humanism Controversy Heads for Appeals Court**
Despite intense pressure to drop the case, the Alabama Board of Education has voted to appeal a decision banning the use of 44 textbooks in state classrooms.

12 **Most States Consider Helping Parents Foot Tuition Bill**
Lawmakers in some 40 states are weighing plans that would allow parents to invest a lump sum now to pay for their children's college tuition in the future.

Education Week - March 18, 1987

BEST COPY AVAILABLE

Immigration Law Studied

Continued from Page 1

increase in student requests for their attendance records, which may provide the only proof that a child moved to the United States by the Jan. 1, 1982, cut-off date for amnesty.

"During the next six to eight months, the schools could be providing a very valuable service by giving counseling, or at least information," said Rafael Valdivieso, vice president for research at the Hispanic Policy Development Project in Washington.

In addition, those tracking the law's implementation warn, schools should be prepared for an upsurge in stress-related problems among alien students, possible fluctuations in enrollment, and an increased demand for adult English-language courses.

To complicate matters, they add, school districts have no reliable way of knowing how many illegal aliens attend their schools. Under the 1982 Supreme Court decision in *Plyler v. Doe*, children are entitled to a free public education regardless of their residency status.

Hiring Procedures

For most districts, observers say, the first adjustment they may have to make is in their hiring procedures.

"A lot of school districts never considered themselves to be employers," said Linda Wong, a lawyer with the Mexican American Legal Defense Fund. "They consider themselves to be providers of a service."

The law states that all new employees are required to produce documents proving that they are eligible to work in this country.

Starting in June, the Immigration Service will issue citations to employers who have hired illegal aliens since Nov. 7. After the first citation, such employers will be subject to a fine, according to the I.N.S. Beginning in June of next year, the I.N.S. will fine employers for the first offense.

Proposed rules on employers' responsibilities for verifying workers' status were expected to be published by this week, according to the I.N.S.

Immigration-law experts stress that all new workers—not just those with foreign accents or surnames—have to show proper identification. To help avoid possible charges of discrimination against foreign-born applicants, the Houston school district, for example, is putting a poster describing the new hiring rule in every personnel employee's office.

But for most personnel officials interviewed, the major concern is that the law will require more paperwork.

"It's a lot of extra work," said Kathleen Price, a consultant in the personnel department of the Los Angeles Unified School District, which hired 10,000 new employees last year.

"People who don't have the sort of documents required for work may be delayed," she added.

Major Effort in Chicago

In Chicago, officials of the public school system say they have gone to exceptional lengths to prepare for the new law.

The district is "in a unique position to facilitate the process," said Linda Coronado, a school-board member who heads a task force formed to look at the law's effects on the schools.

"We've built up years of trust between the schools and parents," she said.

She said the the panel, composed of educators, lawyers, employers, and immigrant representatives, would consider ways to enforce the employer sanctions and to help Chicago's aliens become legal residents.

One of the committee's projects is setting up "information and aid" sites in selected neighborhoods.

Other districts have also planned outreach efforts. In Los Angeles, the schools are working with the Roman Catholic Archdiocese to aid those applying for amnesty.

Pressure on Children

One concern raised frequently by immigration experts is that the uncertainties surrounding the law will trigger stress among children of undocumented workers.

Ms. Wong of the Mexican American Legal Defense Fund said that California schoolchildren have already shown signs of such worries.

"They're finding a lot more stress among the students—some as young as 8 or 9," she said. "They're asking a lot of questions about what's going to happen to them, to their families, because of the immigration law."

Ms. Wong said that most schools are ill equipped to deal with the problems facing alien families. "They do not have the necessary psychologists and school counselors to be sensitive to that particular segment of the school population."

Tim Walter, special-projects coordinator for the Coalition of Florida Farmworker Organizations, added that the amnesty process could be arduous for many families, and that some may feel as though they are going "on trial" when they appear before an I.N.S. panel.

"It can be a pretty harrowing experience," he said.

Workers trying to change their status may also face steep out-of-pocket expenses, the experts say. The I.N.S. has not yet determined the amount of the fee that applicants for amnesty will be charged, but estimates range as high as $200 for each person over age 14.

These costs, added to legal fees for completing the application and charges for the required medical examination, could bring the total expense to well over $1,000 for an average family, Mr. Walter said.

Many students will be affected by the resulting financial strain, he said. "Schools should be looking for signs of stress, malnutrition, and poor nutrition."

Effects on Enrollment

School districts may also see an impact on enrollment, experts say.

Since late last fall, for example, District of Columbia school officials have noted that about 10 percent of the system's 3,000 Salvadoran pupils have left school to help support their families, or to leave the area.

Most of these dropouts, the officials say, are the children of undocumented workers, many of whom have lost their jobs since the law was passed, apparently because of employers' misunderstanding of its provisions.

"These students are leaving classes to work and to earn as much money as possible before they are deported," said one school official.

Mr. Valdivieso of the Hispanic Policy Development Project said that educators should not be surprised if this trend continues.

"Recent Central American immigrant teen-agers have a fragile relationship with school," he said. "If anything shakes them up, they drop out."

Others say that many workers who receive amnesty will bring their families to the United States—thus causing enrollments to rise.

In Dade County, Fla., school administrators predicted that their enrollment would eventually expand as a result of the law.

School Records

Those monitoring the law also noted that schools may be called on to help verify aliens' residence in the United States since the start of 1982. Illegal aliens who arrived after that date do not qualify for amnesty.

The Immigration Service estimates that between 1 million and 3.9 million aliens may apply for amnesty between May 1987 and May 1988, the period specified in the law.

For some illegal workers, school records may be the only way of documenting their residence, said Kate Herber, legislative counsel for the National School Boards Association. Many illegal aliens, she explained, have not kept personal files because of fears that such records would help lead to their detection.

"These people did not request rent receipts," Ms. Herber said. "If they had a bank account, it may have been in someone else's name. It will be very difficult for these people to prove that they were here—except for school records."

Some districts have begun planning for the expected increase in requests for school-attendance records. School officials in Dade County, for example, are discussing whether to provide their students with a computer-printout copy of their records, or with a letter stating when they entered the school system.

Bailey Stewart, the district's director of attendance, said that the decision would depend on what the I.N.S. decides is acceptable.

But officials in the New York City school system said that they were planning no special procedure to help immigrants procure their records. A spokesman said the system already processes 15,000 to 20,000 such requests each year.

English Proficiency

Some districts are also concerned about the law's requirement that undocumented workers wishing to become permanent residents demonstrate a minimal proficiency in English and a knowledge of American history and government, or show that they are pursuing studies to gain such knowledge.

In some cities, English-as-a-second-language classes are already oversubscribed, and administrators are uncertain whether they can meet a further rise in demand. (See *Education Week, Nov. 5, 1986.*)

Financial help for schools providing such programs, however, may be forthcoming from the federal government. The Congress has already allocated $1 billion for each of the next four years to help reimburse states for the costs of legalizing aliens. Some of that money would be used for education.

In addition, according to a staff member of the House Education and Labor Committee, a bill may be introduced in the Congress in early April that would double the current $30-million allocation for the Emergency Immigration Education Act.

But some observers are doubtful that the aid will be enough to satisfy the demand.

Said La Raza's Ms. Orum: "The President is talking about an additional $30 million. The Los Angeles Unified School District alone could take that money."

Education-Reform Bill Unveiled

Continued from Page 13

teachers to $27,000, from a current average of about $21,000.

- Expand the state's "mentor teacher" program, which provides $4,000 annual stipends for instructors who earn the designation. Only 5 percent of the state's total teaching force is eligible for mentor-teacher status under current law; the proposal would raise the limit to 10 percent.
- Require first-year teachers to spend 80 percent of their time in the classroom and the remaining 20 percent in instructional programs headed by mentor teachers and administrators. The state would pay the salaries of new teachers for the time they spend in the programs.
- Abolish the use of "emergency" certificates for teachers in shortage areas.

Class Sizes

The plan outlined by Mr. Honig would also provide funds to reduce class sizes in high-school mathematics, science, and writing courses.

According to Bill Rukeyser, a special assistant to Mr. Honig, although most state educators agree that class sizes need to be reduced at all grade levels, the proposal reflects the "political reality" that the cost of such an effort would be prohibitive.

The proposal, he said, would give the state "more bang for the buck" by focusing on courses that educational researchers say benefit most from lower pupil-teacher ratios.

In his budget address, Mr. Deukmejian proposed a controversial trade-off that would pay for smaller class sizes in the 1st grade by eliminating several categorical programs for gifted and disadvantaged students. Mr. Rukeyser noted that Mr. Honig's plan would preserve funding for those programs.

Investment in Future

"This is an investment that will pay off threefold and fourfold," Mr. Honig said during a March 9 press conference in Sacramento to announce the introduction of the bill.

"It will pay off by making quality people available to do the high-technology work that will need doing as we move into the next century," he said. "And it will pay off by reducing the staggering prison costs facing this state, because statistics prove that well-educated persons rarely become prison inmates."

In a statement released later the same day, Governor Deukmejian said "I am not impressed with those who advance new ideas without identifying where the money would come from to pay for them."

Mr. Vasconcellos, the chairman of the Assembly's appropriations panel, said he would introduce a "revenue enhancement" proposal shortly to help provide funds for Mr. Honig's proposal. While he declined to give details, he suggested that additional revenue could be obtained by closing loopholes in the administration of the state's 6 percent sales tax.

Correspondent Bob Schmidt in Sacramento contributed to this report.

'Tuition Futures' Concept Advances

Continued from Page 19

ate, and New Jersey—are considering the proposals as part of a broader examination of higher-education finance, according to Mr. McGuinness.

Among the ideas under consideration:

- Gov. John Ashcroft of Missouri has proposed establishing "family education accounts," to which parents could make tax-deductible contributions of up to $2,000 a year. The money could be used toward college-related expenses at any public or private college or university in the country.
- In Massachusetts, a task force established by Gov. Michael S. Dukakis is studying ways to adapt the idea of tuition prepayment to that state's particular needs, according to Ms. Hart. The panel, which is expected to issue its report this summer, will consider including private colleges in the plan, as well as creating a regional plan for all of New England, she said.
- The Georgia Senate has approved a measure aimed at helping low-income families save for their children's college tuition. The proposal would allow the state's 85,000 recipients of Aid to Families with Dependent Children to set aside 10 percent of their benefits in a state trust fund for that purpose. The money would be matched by a state contribution.

The measure would enable the state "to contribute in a different direction to end poverty," according to its sponsor, State Senator Hildred W. Shumake. "We've got [A.F.D.C.] mothers who want a better life for their kids."

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ISSUE 40

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Chairman HAWKINS. Well, thank you, Mrs. Wong. The next witness, Ms. Quevedo.

STATEMENT OF AURORA QUEVEDO, PRESIDENT, CALIFORNIA ASSOCIATION FOR BILINGUAL EDUCATION

Ms. QUEVEDO. Thank you. Mr. Chairman, other members of the Committee, and community members, my name is Aurora Quevedo, and I am the President of the California Association for Bilingual Education. Thank you for providing our Association with an opportunity to present testimony before your Committee on matters of critical importance to California residents. I commen your efforts to obtain our input. Indeed, speaking on behalf of our association membership, which includes more than 2,000 administrators, parents, students and community members at large, I must emphasize that our organization focuses on the needs of students.

I trust that our views may help guide the Congressional oversight of the impact that the implementation of immigration reform and educational reauthorization will actually have upon our Nation's human service agencies, and upon our Nation's schools.

As an association which has earned its reputation as a preeminent source of factual information on State, and national policies affecting language diversification, the California Association for Bilingual Education is most pleased to continue to have the opportunity to express its views regarding the education, health, and social services needs of the large number of aliens who are granted amnesty under the Immigration Reform and Control Act of 1986.

As educators, legislators, and members of the community, we are all well aware that the quality of services in these three key areas is directly related to the degree to which the young people in our schools can take full advantage of our efforts to provide them with equal educational opportunity.

Secondly, we are all keenly aware of the direct and critical role which parents can and should play in the educational partnership on behalf of their children. Therefore, the quality of education, health and social services provided to the adults is intimately related to the academic and social success of the youngsters in our schools.

Needless to say, the quality of these services to the entire family unit is imperative, so that its members can become fully participating citizens of the United States and provide critical inspiration and modeling for the children and adults in all of our schools.

It is our firm belief that a comprehensive needs assessment endeavor must be undertaken immediately, so that agencies may have an across-the-board and accurate picture of the priority areas which must be immediately addressed. How can agencies prepare a comprehensive approach to the delivery of their services without knowing what the needs actually are in these areas. It is imperative that there be more specific detail obtained regarding the special assistance needed by this expanding group of young people and adults.

The specific ramifications of this broad and complex statement must be defined, prioritized and addressed immediately. There are several groups for whom we must define our scope of service.

Number one, our general population of K-12, amnesty-eligible students must continue to be provided with a strong, well-defined bilingual education program through well-trained bilingual staff and the appropriate social services assistance. These students must learn English as proficiently as possible, while progressing academically in all subject areas. This is accomplished successfully through the use of bilingually well-trained staff. These students must be able to compete on an equal basis with members of their generation throughout our Nation, so that they, too, may become well-adjusted and productive adults.

Number two, amnesty-eligible young adults who have dropped out of our K-12 educational systems, must be provided with the educational, health and social services necessary to reverse their status of undereducated and to maximize their opportunities for meaningful participation in our society.

This particular group of young adults are, in many instances, part of a new family unit which include their status as single or married parents of young United States citizens, whose educational success will depend on the degree to which school systems can educate them and establish and maintain well-defined educational partnerships.

Number three, urgent strategies must be developed and utilized on behalf of amnesty-eligible children and young adults who are still enrolled in our K-12 systems, but who are indeed high risk potential drop-outs.

Number four, our K-12 and adult school systems must be provided with appropriate guidance and resources which are essential to implement the educational and support programs that are implied by the diversity of the groups that are outlined.

While these are needs that we perceive, these needs must be studied in depth. Many educational agencies and community advocacy groups are concerned that as a result of the recent veto of bilingual legislation, AB 37, by Governor Deukmejian, this particular State is backing away its support at a time when the educational needs of our students in grades K-12, is intensifying. Especially in view of the fact that current federal and state research in the last five or seven years shows bilingual education is the most effective program for K-12 students to learn English and do well academically.

We urge you to encourage maintenance of support and an expansion of such as indicated in the needs assessment. It might very well be that it takes your Congressional oversight to keep the States from supplanting services for which they are keenly responsible.

At this point, I would like to respond, briefly, to Mr. Johnson's comment regarding the need for making becoming a bilingual teacher attractive. We urge the districts in California and every bargaining agency, especially UTLA to negotiate stipends and release time and provide the needed training that present staff can then have the differential salary for bilingual teachers.

Additional training, certification, language skills and a heavier teaching load demands proper compensation. Until this highly specialized teaching profession is respected, we cannot expect teachers in large numbers to volunteer to acquire these additional skills.

As it relates to the basic education of the adults affected by the new Immigration Reform Act of 1986, we urge State and Federal Agencies to look carefully at the positive, long-range investments that they could make in developing the additional capacity needed to provide English as a second language, citizenship instruction, and other basic educational support as opposed to taking a position such as that taken in California, where a cap has been placed on adult education funding, implying serious short-sightedness on the part of our Governor, and contrary to the recommendations of our superintendent of public instruction.

What number of adults are we talking about here? 40,000? 100,000? More than a million? How great is the need? How will we, as a society, serve them and guarantee them equal access to opportunity and give them a chance to become not only legal residents, but also citizens. Without English skills, they cannot become any of these.

A number of critically important questions beg to be asked. Has there been a comprehensive needs assessment performed by the responsible State and community agencies. Have the educational health and social services needs of this amnesty-eligible population been defined? Is there someone at the State level who should take responsiblity for establishing the needs-assessment process.

We believe that there must be someone at the State level who should be responsible to make this happen. It seems to us that a comprehensive service program cannot be constructed without this information.

When and how can our community advocacy and educational organizations expect to be provided with a draft of the proposed State plan that Mr. Wariner indicates has already been developed? How soon thereafter may we have opportunities to comment on this draft before it becomes final? It is of critical importance that an opportunity for input be made available to the California Association for Bilingual Education and other organizations, such as the Association for Mexican American Educators, the California Association for Asian Pacific Bilingual Education, the California Association for Compensatory Education, the Mexican American Legal Defense and Education Fund, the California Rural and Legal Assistance Foundation, the Western Center on Law and Poverty, the National Center for Immigrants Rights, the National Council on LaCasa, Catholic Charities, health clinics, school systems, and other agencies.

It is imperative that the people who are in the best position to assist in identifying these needs have an opportunity to do so.

Another area of major concern is that of providing appropriate training to local educational, health and social service agencies, so that they may better understand their legal role in relation to the Immigration Reform and Control Act of 1986. With our school system in California being one of the largest employers in the State, every effort must be made to carefully inservice local school districts and county offices of education and their staff so that their roles can be cleary delineated and not exceeded.

My last comment, Mr. Chairman, and honorable members of this Committee, is related to the immediacy which many of you, the need for resources to our State agencies. Is there any way possible for agencies to receive funding immediately, so that service organizations may begin services to the 1 million or more amnesty-eligible persons who are expected to apply? Our local delivery services must be placed in a position to respond to these people, 300,000 of whom have already turned in their applications to the INS.

I want to take this opportunity to thank you again for allowing me on behalf of the California Association for Bilingual Education to share our views and recommendations. It is our hope that we will have a lasting relationship with your Committee in this very important process of implementing a crucial piece of legislation, and in ensuring that amnesty aliens become fully participating members of our society.

Thank you, sir.

[The prepared statement of Aurora Martinez Quevedo follows:]

California Association for Bilingual Education
926 J Street, Suite 810
Sacramento, California 95814
916/447-3986

TESTIMONY PREPARED FOR:

THE COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
2181 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

Field Hearing Held on September 28, 1987
Manfred E. Evans Community Adult School
717 North Figueroa Street
Los Angeles, California

Honorable Congressman Hawkins, Other Distinguished Committee Members, and Members of the Audience:

My name is Aurora Martinez Quevedo and I am President of the California Association for Bilingual Education. Thank you for providing our Association with an opportunity to present testimony before the Committee on Education and Labor of the U. S. House of Representatives on matters of critical importance to California residents. I commend your efforts to obtain input regarding certain legislative provisions of the Immigration Reform and Control Act of 1986. Indeed, speaking on behalf of our Association membership which includes approximately 2,000 educators, parents, students and community members at-large, I trust that our views may help guide your Congressional oversight of the impact that the implementation of immigration reform and educational reauthorization will actually have upon our nation's human service agencies and our nation's schools.

As an association which has earned its reputation as a preeminent source of factual information on state and national policies affecting language-diverse populations, the California Association for Bilingual Education is most pleased to continue to have this opportunity to express its views regarding the education, health and social services needs of the large number of aliens who are granted amnesty under the Immigration Reform and Control Act of 1986.

As educators, legislators, and members of the community, we are all well aware that the quality of services in these three key areas is directly related to the degree to which the young people in our schools are able to take full advantage of our efforts to provide them with equal educational opportunities; secondly, we are all keenly aware of the direct and critical role which parents can, and should play in the educational partnership on behalf of their children. Therefore, the quality of education, health and social services provided to the adults is intimately related to the academic and social success of youngsters in our schools; needless to say, the quality of these services to the entire family unit is imperative so they may become fully participating citizens of the United States and provide critical inspiration and modeling for the children and young adults in our schools.

It is our firm belief that a comprehensive needs assessment endeavour must be undertaken immediately so that agencies may have an across-the-board and accurate picture of the priority areas which must be immediately addressed. I ask you, honorable members of this Committee and members of the audience, how can agencies prepare a comprehensive approach to the delivery of their services, without knowing what the needs actually are in these critical areas. It is imperative that there be more specific detail obtained regarding the special assistance needed by this expanding group of young people and adults.

The specific ramifications of this broad and complex statement must be defined, prioritized and addressed immediately. There are several groups for whom we must define our scope of service:

1) Our general population of K-12 amnesty-eligible students must continue to be provided with strong, well-defined bilingual education programs and the appropriate health and social services assistance in order for them to learn the English language as effectively and efficiently as possible, while progressing academically in all subject areas; these students must be able to compete on an equal basis with members of their generation throughout our nation, so that they, too, may become well adjusted and productive adults.

2) Amnesty-eligible young adults who have dropped-out of our K-12 educational systems must be provided with the educational, health and social services necessary to reverse their status as under-educated and maximize their opportunities for meaningful and productive participation in our society; this particular group of young adults are in

many instances, part of new family units which includes their status as single or married parents of young United States citizens, whose educational success will depend on the degree to which school systems can establish and maintain a well-defined educational partnership.

3) Urgent strategies must be developed and utilized on behalf of amnesty-eligible children and young adults who are still enrolled in our K-12 systems, but who are indeed high-risk, potential dropouts;

4) Our K-12 and adult school systems must be provided with appropriate guidance and resources which are essential to implement the complex educational and support programs implied by the diversity of the groups outlined.

While these are needs that we perceive, these needs must be studied in depth. Many educational agencies, and community advocacy groups are extremely concerned that, as a result of the recent veto of our bilingual legislation by Governor Deukmejian, this particular state is backing away its support at a time when the educational needs of our students in grades K-12 is intensifying. We urge you to encourage a maintenance of support and an expansion of such, as indicated in the needs assessment; it might very well take congressional oversight on your part to keep the states from supplanting services for which they are keenly responsible.

As it relates to the basic education of the adults affected by the new Immigration Reform Act of 1986, we urge state and federal agencies to look carefully at the positive long-range investments which they *could* make in developing the additional capacity needed to provide English as a Second Language and other basic education support, as opposed to taking a position such as that taken in California where a cap has been placed on Adult Education funding, implying serious shortsightedness on the part of our Governor, and contrary to the recommendations of our Superintendent of Public Instruction. What number of adults are we talking about here? 40,000?, 100,000?, 1,000,000? How great is their need? How will we, as a society serve them and guarantee them equal access to opportunity and give them a real chance to become not only legal residents, but also citizens; without English skills, they cannot become any of these.

A number of critically important questions beg to be asked. Has there been a comprehensive needs assessment performed by the responsible state or community agencies? Have the educational, health and social services needs of this amnesty-eligible population been defined? Is there someone at the State level who should take responsibility for establishing a uniform needs assessment process? We believe that there *must* be someone at the state level who should be responsible to make this happen. It seems to us that a comprehensive service program cannot be constructed without this information.

When, and how can our community advocacy and educational organizations expect to be provided with a draft of the proposed state plan for the delivery of these educational, health and social services? How soon thereafter, may we have opportunities to comment on this draft before it becomes final? It is of critical importance that an opportunity for input be made available to the California Association for Bilingual Education and other organizations such as the Association for Mexican American Educators, the California Association For Asian Pacific Bilingual Education, the California Association for Compensatory Education, the Mexican American Legal Defense and Educational Fund, the California Rural and Legal Assistance Foundation, the Western Center on Law and Poverty, the National Center for Immigrants' Rights, The National Council on La Raza, Catholic charities, health clinics, school systems, and other agencies. It is imperative that the people who are in the best position to assist in identifying these needs have an opportunity to do so.

Another area of major concern is that of providing appropriate training to local educational, health and social service agencies so that they may better understand their legal role in relation to the Immigration Reform and Control Act of 1986. With our school system in California being one of the largest employers in the state, every effort must be made to carefully inservice local school district and county offices of education so that their roles can be clearly delineated and not exceeded.

My last comment, Honorable members of this committee and audience, is related to the immediacy with which many view the need for resources to our state agencies. Is there any way possible for agencies to receive funding immediately so that service organizations may begin services to the 1,000,000 amnesty-eligible persons who are expected to apply; our local delivery systems must be placed in a position to respond to the needs of these people, 300,000 of whom have already turned in their applications to the I.N.S.

I want to take this opportunity to thank you again for allowing us to share our views and recommendations. It is our hope that we will have a lasting relationship with your committee in the process of implementing this crucial legislation, and in ensuring that amnesty aliens become fully participating members of our society.

Chairman HAWKINS. Thank you. Our next Witness is Mr. Stewart Kwoh.

Mr. Kwoh is the Executive Director of the Asian Pacific American Legal Center in Los Angeles, California.

STATEMENT OF STEWART KWOH, ESQUIRE, EXECUTIVE DIRECTOR, ASIAN PACIFIC AMERICAN LEGAL CENTER, LOS ANGELES, CA

Mr. KWOH. Thank you, Congressman Hawkins. And I also thank the panel for the opportunity of addressing you.

There are two issues that I would like to address before you this morning. The first is the issue of the requirement for English proficiency and knowledge of civics or enrollment in recognized courses for the permanent residency adjustment phase of legalization.

The other issue is an issue of public education on the IRCA Act itself.

The first issue certainly has been addressed significantly this morning. There is three problem areas that I would like to bring to your attention, with some specifics, that have not been mentioned.

The first problem area that we see is that INS has not yet announced the test guidelines, or proposals for test guidelines, or what their guidelines will be for certifying the recognized courses. We find that this is a problem. I believe it was Congressman Roybal that mentioned that he encouraged people to enroll immediately in various classes.

The problem is that without any guidelines, it is unclear what classes will be recognized, and by delaying the proposal of guidelines, we are delaying the time and putting off the time when people can begin enrolling with some assurance that that will have some beneficial effect later.

I think this area of the INS not proposing the guidelines yet has a particularly damaging effect in the Asian Pacific American communities, because in order to reach those communities, one does not have to just put out one language, one has to put out languages and information in various languages in at least eight different communities, which are all significantly affected by this Act. For example, we find that Chinese, Japanese, Korean, Filipino, Tongan, Thai, and Samoan communities, as well as part of the Vietnamese community are all significantly affected. To the extent that we do not have these guidelines, we cannot get the information out into these communities in appropriate languages so that people know what is required of them in the second stage.

I believe also that the lack of these guidelines, or proposed guidelines, hurts the ability of educational institutions to plan and structure their own courses.

The second major problem area that we see is that the amnesty program really does not have the sufficient public resources to be able to provide these types of English programs. There are—we estimate that in Los Angeles, there will be at least 500,000 legalization applications filed by May, 1988. That figure of 500,000 certainly could increase to 6 or 700,000, but that is based on the figures that we understand presently, where over 200,000 legalization applications have been filed in the Los Angeles District.

Our legal center has processed 1500 to 2000 legalization applications of Asian and Hispanic persons, and it is our estimate that at least 50 percent of those applicants would require some type of formal instruction. If that figure was true, 250,000 people would be looking for recognized courses, or trying to gain English proficiency, particularly towards looking towards the school system. That—obviously that capacity obviously is not there now.

I was told earlier this week that this school, itself, Evans, already has two to three thousand persons waiting on their list for enrollment in adult ESL.

Another concern that we have about the sufficient public resources is our understanding of the State Legalization Impact Assistance Grant. Our inderstanding is that that SLIAG for short, does not provide relief for applicants who have not yet received their temporary status. What that means is that only those who have not only gotten a favorable recommendation for temporary resident status, but those who have already received final approval will be amongst the numbers that will be qualified to receive federal reimbursement under SLIAG.

There are a number of people who would like to enroll now who may have applied, but who have not been interviewed, or have been interviewed but have not received final approval. Those people will not be able to be part of the numbers whereby school districts will get reimbursement for those students. I think that would be a disincentive for a number of school districts to begin developing the expansion of classes that will be needed.

I believe the $500 annual cap certainly has been mentioned to a great extent. Our understanding of—through our research for the number of hours for rudimentary understanding of English would be about 400 hours. And our understanding of the $500 coverage for a student would cover perhaps 200 hours of instruction. So certainly the $500 cap is insignificant.

The last concern we have on the insufficiency of public resources is the fact that if the public schools will not be able to handle the numbers coming forward, community-based agencies will certainly have to have both the funding and the recognition in order to alleviate that numbers burden. And again, certainly the English Proficiency Act in Congress, or in the House right now would be an important part of that, but recognition, again, of these community-based agencies and their programs by INS and the Attorney General will be required for them to alleviate the problem.

The third major concern that we have on the requirement of English and civics is this, that our understanding from the present regulations is that English proficiency and civics examinations for Kindergarten through High School will be required.

We think that actually that really should not be necessary. We think that either that requirement should be waived, or that students' regular courses in civics and English be certified by the INS so that they are not burdened with additional requirements beyond what they are already taking in the school system curriculum. We understand that right now, only those who are 65 years or older are not required to take this examination. We think that should be extended to K-12.

The last major issue that I want to bring to your attention is, beyond this issue of the English requirement, and that is, What is the role of public education with regard to informing the general public of IRCA itself, of the provisions of the Immigration Reform and Control Act?

In August of this year, we were shocked when INS provided us with statistics that revealed out of 225,000 applicants in the Western Region of four states, that only 9,000 were Asian Pacific Americans who had been—who had filed and who had been interviewed. Out of 225,000 only 9,000 out of four western states were Asian Pacific Americans. That is shocking, since Immigration attorneys had given us estimates of 100,000–150,000 Asian Pacifics who are undocumented just in the Southern California area.

We believe, based on telephone calls to our agency, as well as interviewing community leaders that one of the serious gaps in public education is that many undocumented Asian Pacifics still fear and are totally confused about the Immigration Law. We have taken steps through our legal center to cooperate with INS and some positive steps have been taken. But when we look at that appallingly low number, we have to look at—beyond INS and beyond the small capacity of our agency, what can public educational institutions do to alleviate this crisis in public education? We believe that money should—increased money from Congress must be provided for expanding the public education campaign of IRCA, itself. We believe that encouragement from Congressional Committees may help to encourage the school districts, themselves, to cooperate with nonprofit agencies to provide more of this public education.

Thank you very much.

[The prepared statement of Stewart Kwoh follows:]

ASIAN PACIFIC AMERICAN LEGAL CENTER
OF SOUTHERN CALIFORNIA
1010 SOUTH FLOWER STREET, SUITE 302
LOS ANGELES, CALIFORNIA 90015
(213) 748-2022

Subject: Congressional Subcommittee Hearing: Public Education and the Immigration Reform and Control Act of 1986.

Testimony By: Stewart Kwoh, Executive Director of Asian-Pacific American Legal Center, 9/28/87.

I. Immigration Reform and Control Act of 1986 (IRCA): The Requirement of English Proficiency And Knowledge of U.S. History And Government For The Permanent Resident Adjustment Stage of Legalization.

A. Background

An amnesty applicant who has been granted temporary resident status and upon the expiration of this 18-month term, [illegible] must adjust his status to that of a permanent resident. The application for adjustment is the final stage in the amnesty scheme. Adjustment, however, is not autotmatic. One who fails to satisfy all the prerequisites will be returned to his pre-amnesty application status - that is, he becomes an illegal alien once again.

To achieve successful adjustment, the amnesty alien must "demonstrate he either meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of history and government of the United States or is satisfactorily pursuing a course of study (recognized by the Attorney General to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States." Immigration Reform and Control Act, section 245(b)(1)(D)(i).

B. Problem Areas

1. INS Has Not Announced Any Test Guidelines.

Five months in this one-year amnesty program have passed. The Immigration and Naturalization Services (INS) has not publicly disseminate any information or guidelines on the English and history/government examination. As the months pass, aliens who have been granted temporary resident status have less and less time to prepare for a test which plays a role to consumate or terminate their legal status in this country.

The lack of information poses a considerable time problem for Asian-Pacific applicants. Our community is comprised of no less than eight ethnic groups which are significantly impacted by IRCA: Chinese, Japanese, Korean, Filipino, Thai, Samoan, Tongan, and Vietnamese. To disseminate information effectively, materials would have to be translated into at least eight different languages. Accurate translation is time consuming, and for the adjustment applicants, time is of the essence. Each day that passes without examination guidelines in their 18-month term causes the adjustment applicants to lose that much more preparation time.

Additionally, the absence of concrete guidelines leaves educators without guidance to structure classes and materials to meet IRCA requirements.

Recommendation

a. INS must state the IRCA guidelines for the English and history/government examination immediately.

b. The guidelines must be expediently published in the various Asian-Pacific languages and be made accessible to the Asian-Pacific community.

2. The Amnesty Program Cannot Be Successfully Implemented As Existing Public Resources Are Insufficient To Meet The Increase In Class Enrollment Caused By IRCA.

Based on current INS filings, the Los Angeles district would accept over 500,000 applications by May 4, 1988. A good percentage will require English and civics instruction or instructional materials. Of the 1500 clients that our agency has served, we estimated that at least 50% need formal instruction in either English or civics instruction. Yet, it is apparent that existing school resources are insufficient to accomodate the amnesty applicants.

Last year, the Los Angeles Unified School District (LAUSD) had 40,000 in the waiting list for adult education. In Evans Adult School alone, a site with 30% Asian students in 1986, there is a waiting list of 2,000 for the current semester.

Needless to say, these numbers reflect an urgent need for

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funds. The immense waiting list does not only affect the amnesty applicants, permanent residents and citizens will now have to compete for the limited slots.

The State Legalization Impact Assistance Grants (SLIAG) does not provide relief for applicants who have not received their temporary status. To the extent expanded programs are needed to meet the increase in enrollment, the incentive for local school districts would be lessened because SLIAG does not apply to a large number of amnesty applicants. The funds are limited to those who have "received adjusted status under the Act. By definition, assistance provided to aliens applying to status adjustment (except for public health assistance) is not an allowable use of SLIAG funds." Federal Register, Volume 52, No. 156, 8/13/87.

By this interpretation, even applicants who have received a favorable recommendation for temporary resident status and are awaiting final approval will not benefit from SLIAG. An applicants's status is deemed adjusted to that of a temporary resident only when the Regional Processing Center grants final approval. Only until then will SLIAG become a viable resource for schools to expand class instructions to accomodate amnesty applicants.

SLIAG funds used for educational services are also subjected to a $500 annual cap per eligible legalized aliens. The LAUSD has estimated that $500 will cover 200 hours of course instruction. But a minimum of 400 hours is necessary to learn rudimentary English skills. Thus, for the few that are eligible for SLIAG programs, their classroom training would fall short of the period required for basic ESL training.

While increase support is essential for public schools, additional assistance for existing English proficiency programs operated by community-based agencies should also be made available. Currently, the English Proficiency Act has been introduced in Congress. Support for the Act would alleviate the tremendous waiting list by funding community-based groups to develop and operate English proficiency programs for adults and out-of-school youths.

Recommendation

a. Make literacy, ESL, and history/civics classes widely available.

b. Support the English Proficiency Act currently in Congress.

3. Imposing the English Proficiency and Civics Examination On Kindergarten Through High School Amnesty Applicants Is Not Feasible As They Will Eventually Acquire The Same Knowledge In School.

Due to the lack of guidelines, it is our present understanding that only those who are 65 years or older are not required to take the English and civics examination. But adjustment applicants enrolled in kindergarten through high school should also be exempted from the examination since ordinary English and history/government are an integral part of the traditional school curriculum. Insistence on this requirement unnecessarily burden these same students to take courses in addition to their present school load. Furthermore, the examination is unrealistic for kindergarten and grammar school youngsters.

Recommendation

a. Waive the English and civics requirement for students in kindergarten through high school.

II. Public Education Must Be Defined Broadly As To Encompass Activities Which Educate The General Public On IRCA.

Of the 225,000 applications filed by 8/87 in the Western Region, where the majority of the Asian-Pacific aliens reside in this country, only 9,000 applications were submitted by Asians-Pacific individuals. While various reasons may be contributed for this low figure, one factor can not be ignored: The amnesty program provides illegal aliens a once in a life time opportunity to obtain legal status in this country. That application period ends on 5/4/88. Based on the phone calls that has been received by our center and information from community leaders, there remains considerable fear and confusion in the Asian-Pacific community. This fear and confusion is preventing eligible aliens from coming foward even at the end of the fifth month in the legalization period. One conclusion is that systematic dissemination of IRCA material in Asian-Pacific languages and outreach are still very much needed.

One way to eliminate the fear and confusion is to utilize public educational institutions to channel IRCA information to the general population. Dispatching IRCA informantion and its update and making multilingual materials available in the public institutions can facilitate the education process. Additionally, increased public funds should also be available for comprehensive public education on IRCA.

Recommendation

a. Public educational institutions should work with non-profit immigration agencies to provide information about the implementation of IRCA. Also, public funds should be made available to non-profit community agencies to facilitate the education process.

Los Angeles Times ★ Sunday, August 16, 1987 / Part I

Many Asians Shunning Alien Amnesty Plan

By EDMUND NEWTON,
Times Staff Writer

While undocumented aliens from Mexico and Central America have been jamming into government centers by the thousands to apply for legalization under the immigration amnesty program, Asians have largely been staying away, according to federal officials.

Before the start of the program on May 2, immigration lawyers and community organizations had unofficially estimated that 20,000 to 30,000 of the 200,000 Chinese immigrants residing in Los Angeles County might qualify for amnesty. But as of last week, fewer than 700 had applied in the entire Western region of the Immigration and Naturalization Service, which includes California, Nevada, Arizona, Hawaii and Guam.

About 100,000 Mexicans have already applied in the region, as well as about 15,000 Central Americans.

"I have no explanation whatsoever," said Lupe Ochoa, chief legalization officer at the INS's El Monte center, which serves the western San Gabriel Valley where large numbers of immigrants from the Far East have settled in the last decade. "I know there are large communities of Asians here in Monterey Park and Alhambra, but so far the number of applicants has been minimal."

Only a Few Apply

At the El Monte center, only 40 Chinese—entering the United States from China, Taiwan or Hong Kong—had applied. At the Hollywood center, which serves the Chinatown and Mid-Wilshire areas, only 55 have applied.

The same is true of other Far Eastern nationalities, immigration officials said. For example, only about 100 Korean applicants had appeared at the Hollywood center, which is reasonably near Koreatown, according to John Bowser, chief legalization officer. The entire four-state region has drawn only 403 Korean applicants.

Howard Ezell, INS Western regional commissioner, contended that many Asians still do not understand the amnesty law and

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ASIANS: Many Avoid Alien Amnesty Program

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that many are demonstrating "cultural resistance" to admitting that they are "illegal."

"It doesn't matter if you walked across the border or if you came in with a student visa or a visitor's visa that has expired [as did most Asian illegal aliens]," he said. "I think we need to stress to the Asian and Pacific Americans that, 'Hey, you're just as illegal as the person who walked across the border six years ago.'"

Built-In Obstacles

But some immigration lawyers said that is not the case and that the law, as it was passed by Congress last year, presents built-in obstacles for Asians. Specifically, a provision saying that an applicant must be able to prove that he or she has been an illegal resident since before Jan. 1, 1982, disqualifies the vast majority of Asian illegals, lawyers said.

Many applicants of all ethnic groups have had periods of legality during this period, and the INS said that it is developing a standard for what exceptions can be made to the requirement of uninterrupted illegality.

"Unlike the Mexicans, people from Taiwan or Hong Kong are a Pacific Ocean away," said Monterey Park immigration lawyer Steve W. Chu. "If they want to come to this country, they have to come legally." Most Asian "illegals" are students or visitors who have overstayed their entry permits, he said.

Ezell said his office plans a stepped-up "marketing" effort to get Asians and Pacific Islanders to apply, including a large-scale orientation session in Koreatown on Aug 25.

"We're going to get as many of the Asian-Pacific leadership as we can into a meeting hall and tell them, 'Look, this is for real,'" he said. "Let's go ahead and admit you've been here illegally and get out of the shadows and into the light."

'It's a Puzzle'

Ezell said that other parts of the Western region, including San Francisco, are experiencing the same lack of Asian participation. "It's a puzzle to me," he said.

Illegal aliens who are employed have until Sept. 1 to voluntarily submit work authorizations, indicating that they are applying for amnesty, to their employers. After that date, employers can be fined for employing illegals.

Asian immigration lawyers and community groups offer a variety of explanations for the dearth of Asians applying for amnesty, ranging from continuing suspicion about getting involved with INS officials to built-in obstacles to Asian applications in the sweeping 1986 law that created the program.

"I think there are still a lot of people out there scared and worried about their families being split up," said Stewart Kwoh, executive director of the Asian-Pacific American Legal Center of Southern California in Los Angeles, which is equipped to interview applicants in eight Asian and Pacific languages. So far, 57% of the agency's amnesty clients have been Latinos, he said.

Kwoh said initial estimates of the numbers of undocumented Asian aliens may have been high.

"Some immigration attorneys were saying that as many as 25% of the Chinese community in greater Los Angeles would qualify," he said. "That may have been an over-count. Maybe it's more like 5%."

There are no updated census figures to indicate the ethnic breakdown of the population in Los Angeles County. But National Planning Data Corp., a research organization, said that 7.4% of the county's population, or 626,000, is currently other than white, Hispanic or black. Most of those in the "other" category are Asians, the company said. Estimates of the proportion of those who are illegal vary widely.

Community leaders unofficially estimate that the county's Chinese population is about 200,000. About 29% of the county population, or 2.5 million, is Latino, the research company said.

Chu and others said the strategy most Asians adopt is to maintain legality as long as possible, while applying for entry to the United States under the system of quota preferences, which opens the door for family members of permanent residents and for workers with special skills.

Thus, most of the current "illegals" have gone through intervals of legality, by getting extensions of their visas or, if they were initially tourists, by enrolling as students, Chu said. If they were "legal" for any period after the 1982 cut-off date, they would technically be disqualified, he said.

"Some people are kicking themselves now for extending their legality," said attorney Howard Hom, a member of the executive board of the Los Angeles County Bar Assn.'s immigration section. "They're telling us that they would have been better off illegal."

Guan-Xiong Tang is one of the rare ones. A Shanghai-born "illegal" who has twice been turned down for permanent residency by the INS, Tang is going for amnesty.

"For eight years now, I hardly ever go out," said the Mandarin-speaking pastry chef from Monterey Park, talking through a translator in Hom's Mid-Wilshire office. "When I drive, I drive very carefully, because I'm afraid the police might stop me and ask me for my green card." A fine mist of perspiration appears on Tang's forehead at the thought.

With a deportation order hanging over Tang, the 3-month-old immigration amnesty program seemed a convenient last resort, said Hom. The 39-year-old chef—who, in the tradition of many Chinese-Americans, has anglicized his name to Jack Tang—has been provably undocumented for the last five and a half years. He qualifies.

"Like most Chinese illegals, he's been trying to make himself legal while in hiding," Hom said.

Failure Is an Asset

But the essential component to Tang's eligibility for amnesty has been, ironically, his singular lack of success in achieving legality during the last eight years, Hom added.

Immigration lobbying groups complain that the requirement of "continuous" illegal residency is arbitrary and irrational. "[Despite its benefits to Tang] it doesn't seem fair," Hom said. "The purpose of the law was to bring people in the underground up to the surface. It's a self-defeating piece of legislation. Congress said that it had to draw the line somewhere, but it seems like an artificial line."

But Ezell said it is still possible that cases where applicants have gone through periods of legality could be adjudicated in the applicants' favor. "If anybody has any question about that, they ought to go ahead and file," he said. "They've got nothing to lose and everything to gain."

Lobbying groups acknowledge that they were not assertive enough on the issue when the law was being drawn up last fall.

'Little Asian Input'

"To be very blunt, I don't think anyone was especially aware of the problem," said Linda Wong, immigration director for the Mexican American Legal Defense and Educational Fund. "During the period that Congress was debating the merits of the legislative program, there was very little Asian input." She said organizations like her own had been more concerned with preserving Asian immigration quotas for legal immigration, which appeared to be jeopardized by the new legislation.

"All the lobbying was from the Hispanic community," Hom said. He added that the bill had "caught a lot of people by surprise."

"Two weeks before it passed, everybody thought it was dead," Hom said. Last-minute compromises resurrected the bill, which had been under discussion in Congress in various forms for 15 years.

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The Orange County Register Friday, September 18, 1987

Metro

Getting word on amnesty out to non-Hispanics

By Patricia Lopez
The Register

■ PROCESS: English woman takes a step toward amnesty B5

■ PAYMENT: Loans are available to immigrants seeking amnesty B4

In Southern California, people have come to associate the words "illegal immigrant" with Mexicans.

But while the bulk of the undocumented population is Mexican, there also are thousands of illegal immigrants who are Philippine. And Thai. And Iranian. And Korean. And Israeli.

In fact, Southern California is populated by illegal immigrants from more than 60 countries, including natives of Cameroon, the Netherlands, Sri Lanka and the island of Tonga.

And while some of them have applied for amnesty on their own, immigration officials say they now are launching special efforts to reach the often-isolated enclaves of non-Hispanic immigrants scattered throughout the West.

Among those efforts are radio and television advertisements in 47 languages, and advertisements in foreign-language publications.

Immigration officials say they also will conduct amnesty seminars.

But immigration officials are coming under fire from ethnic leaders who say the efforts are too little, too late.

"It's been four months, and only now are they starting to translate materials into Asian languages," said Stewart Kwoh, head of the Asian Pacific Legal Center in Los Angeles.

The result, he said, is that relatively few Asians have applied for amnesty.

According to statistics from the U.S. Immigration and Naturalization Service, applications from Asian groups make up less than 3 percent of 275,000 applications filed since the new amnesty law was passed May 1.

Under the Immigration Reform and Control Act of 1986, illegal immigrants who can prove they entered the country before Jan. 1, 1982, are eligible for amnesty, which allows them to become legal residents.

Kwoh said INS officials only recently have begun meeting with community leaders to map out strategy for reaching the often-fragmented Asian community.

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NON-HISPANICS: Area has illegal immigrants from more than 60 countries

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"It's too little and very, very late," Kwoh said. "Even though the Hispanic community is much larger, the Asian Pacific community actually requires more effort, because they are much harder to reach."

Eight major languages and 29 distinct Asian-Pacific groups make even the phrase "Asian community" a misnomer, leaders say.

"There *is* no Asian community in the same sense that there is a Hispanic community," according to Nampet Panchipant, program manager for Orange County's refugee- and immigrant-assistance program.

Panchipant said community leaders here and in Los Angeles County have estimated that as many as 100,000 undocumented Thais live in Southern California, together with an estimated 250,000 Koreans, 60,000 Samoans and 20,000 Tongans.

Other ethnic leaders say there are as many as 10,000 undocumented Iranians and an equal number of illegal Israeli immigrants who have fled their native countries and settled in Los Angeles and Orange counties.

"To reach these people is going to require massive effort and very, very careful planning," Kwoh said. "For each group, different approaches must be considered."

Harold Ezell, Wwestern regional commissioner for the U.S. Immigration and Naturalization Service, said that is precisely why INS officials are meeting with local leaders.

"We want their thoughts on this," he said. "We want to work with them and find out how we can best help these people become legalized."

Representatives at La Agencia de Orci, part of the consortium handling the $10 million INS advertising campaign for amnesty and employer sanctions, say they are confident that their ads will reach most non-Hispanics.

La Agencia Vice President Marlene Garcia said that in recent weeks the agency has released television ads on amnesty in Mandarin Chinese, Cantonese, Vietnamese, Japanese, Tagalog and Korean. The ads are airing on local foreign-language programs, four to five times daily, in all time slots, she said.

Nationwide, she said, "We've done commercials in 47 languages, from Greek to Urdu." Urdu is the official language of Pakistan.

Garcia said the agency also is broadcasting commercials on nine radio stations in the Los Angeles basin.

But Panchipant and others say that while television and radio commercials may be effective in targeting Hispanics, they are far less so for Asians and some of the smaller ethnic groups.

"They're approaching this in typical Western style, with little attention to cultural differences," Panchipant said.

Chairman **Hawkins**. Thank you.

Ms. Wong, in your statement, you had intimated that somehow some organizations, not really capable of providing the service, might in some way get applicants to do so, and they might even be fly-by-night organizations. In what way could that possibly occur? They must be actually recognized by, let us say INS and other groups.

Ms. **Wong**. Let me tell you, in terms of our experience, the problems that we are encountering now, with adequate legal assistance to people who need help to file the legalization applications, that with the tremendous shortfall of legitimate nonprofit organizations, people have ended up going to Immigration consultants and Notary Publics and others of questionable reputation to obtain help.

Now, the ESL said that its requirements, as I had indicated earlier, have not been well communicated to those of the community. The majority of people are not aware that they are going to have to take these classes. In view of the fact that our public schools, Evans here, community colleges, and other schools around the County of Los Angeles have had to turn away people, where are they going to go? We have not yet seen the ads, but I can assure you that it will not be much longer before we begin to see advertisements in Spanish language and other minority papers about the availability of English language programs. We have seen some preparation on the part of private education institutions that are authorized by INS to accept foreign students to expand their ESL components. Which is fine, but they do charge for their services, and they charge, in some cases, a considerable amount of tuition that can run as high as several hundred dollars.

I would hate to see people have to pay this kind of money to obtain educational services that they should be able to get for free.

We are monitoring the situation here in Los Angeles and hoping that the problem will not be as great as we have seen with regard to the Immigration consulting issues that we have encountered. But, you know, I am trying to dissipate that problem.

Chairman **Hawkins**. Are you saying that in desperation and out of fear that many will be driven into this type of an operation which someone would be advertising to do that which they truthfully cannot really do, or perform the service and take advantage of this situation? And have you any experience to date, or have you seen any evidence that some are beginning to do this already?

Ms. **Wong**. Well, you see it in terms of the increased demands on existing programs in the public schools. Keep in mind that the ESL and civics requirements do not come into play until 18 months after a person has acquired temporary resident status. And yet people are now coming forward to enroll in public ESL programs that are offered by our public schools and community colleges.

As they are being turned away, and we are getting some inkling of concern from these people as to where they are going to obtain services in order to meet the elibility requirements for the second stage. I do not have an answer for that.

Chairman **Hawkins**. Ms. Quevedo, let me ask you. Are you aware of the efforts of this Committee in the Bill HR-5, the School Improvement Act, one of the titles is devoted to bilingual programs. Are you aware of the existence of this proposal, and what it may possibly accomplish in terms of providing bilingual education independent of the Immigration Act?

Ms. Quevedo. Yes, sir, I am.

Chairman Hawkins. Do you approve of that proposal?

Ms. Quevedo. What our position is, as far as bilingual education programs for students, is that in providing second language experiences for students, these services need to be based on solid training for language acquisition. That students have an opportunity to learn their basic skills to obtain a solid, basic foundation through the use of their primary language, and that they need to be involved in that educational experience that helps them to be well-adjusted and to be successful as adults. Given those ingredients, we are very supportive of the approaches that are proposed.

Chairman Hawkins. Thank you. Mr. Martinez.

Mr. Martinez. Thank you, Mr. Chairman. I just have one question in the form of a statement. You have mentioned like so many of the earlier witnesses the amendment offered by Mr. Wright of Texas that put this requirement for this educational component in there. Why? I still am looking for clarification from INS. And when you refer to the confusion that exists, confusion does not exist in many of the minds of Congress. Where it does exist is in the two bureaucracies that are having to deal with this now, HHS and INS. They are unwilling to come forward with a statement of some kind that would demand that Congress clarify to them what they need to do. And part of the ambiguities and languages itself, because it—you have to assume from the first part of the language, the alien must demonstrate that he either meets the requirements of Section 312, relating to the minimal understanding of ordinary English and a knowledge and understanding of the history and the government of the United States, but some of that sets in place that he should have that to qualify for legalization.

Then when the bill was developed in that two-tiered system where the alien applies, and then he—he then goes through a period of 18 months where he qualifies for legalization, that almost sets within your mind a framework that within, well, within that—if he can prove that in the beginning as one of the requirements, then somehow in your mind you must imagine that within 18 months he must prove that he can meet that same requirement. But it does not say that. It says or—or is satisfactorily pursuing a course of study recognized by the Attorney General to achieve such an understanding of the history and government of the United States; and in that or it does not even mention English. I guess they assume that if you are going to pursue those courses you already have some working knowledge of English.

But it says or—and it does not say or you will have enrolled in and completed, you see. Now if it had been that conclusive in that language, you will have enrolled in and completed, in that language, then I would not be in a quandry and be so adament about having the INS make a determination.

Now, how do you understand that language, because I think they are confused. I did not agree with the amendment in the beginning, because I figure that a lot of people come to this Country, and there was no requirement of a person coming under Natural immigration to have this requirement. They wait five years, and if they then want to become citizens, they enroll in all of those things and do that to become citizens. But I guess the feeling here was these were law breakers and we were giving them pardon from the breaking of that law, and that somehow they should have an extra added burden in order to prove that they were—that we were justified in giving them that amnesty.

I think that is a double standard, and I do not know how the members who voted for this Bill conciliate that. I could not, and I did not vote for the Bill for that and many other reasons. I did not think it was immigration reform. I felt it was more a special interest Bill, especially with regards to the agricultural workers. I think it was more an attempt to legalize people who work in the fields at ridiculously low rates of pay than it was to provide the ability to become citizens of the Country that they had lived and worked in for so long. Many of them had been here for years and years. Their children are here. No consideration was given into the Bill to the extent that they would break up families, and the children who were born here were legal American citizens by birthright, and their parents maybe were illegal because they crossed illegally, and then might not meet all of the qualifications and other things, and especially the education.

And we feel, hey, it is good to encourage people, and in many cases, you do not have to encourage them. Most of these people want to learn English. They want to learn all these things. They just have no access to the programs they need to learn. And we have not done anything as a government, or as a state or a local government to really provide a vehicle for them to do that.

So I really want to clarify that the confusion is in some people's minds, especially in the bureauracracy not necessarily in the minds of many of the members of Congress, but—after saying all that, let me ask a bottom line question. What can MALDEF do in the way of producing litigation that says to the INS, you tell us what you are going to expect of these people within this 18-month framework?

Ms. WONG. Well, I think it is important in order to anticipate some of those issues to know what is going to happen know. I would rather have those ambiguities that you refer to clarified now before it is too late, so that people know exactly what is expected of them. We need to know what kinds of organizations will be given authority by the Attorney General, through INS, to conduct these ESL and civics programs. We need to have an answer now in terms of the nature of the test, itself, that people choose to take the test. That there be some kind of uniformity so that there is no arbitrariness in determining who can pass and who cannot.

You know, as it is, MALDEF now is looking at the availability of education resources that are now offered by the local schools. And we see a severe shortage, and we see a disparity. I am afraid that that problem of disparity and shortage is going to be aggravated with these additional requirements. I cannot tell you what kind of litigation we are going to undertake. It all depends upon how INS is going to interpret the statute, and whether they are going to make any additional changes to the regulations that are now in place. It is for that reason that I would like to see, as quickly as possible, some clarifications in the fundamental policy issues and implementation problems that we are encountering, so that all of us can adequately prepare for the second stage of the amnesty program.

Mr. MARTINEZ. I agree with you. Thank you, Mr. Chairman.

Chairman HAWKINS. Thank you. The Chair would like to thank the Witnesses for their contribution this morning. We certainly appreciate your attendance, and we, again, want to express thanks for your cooperation.

The Chair has had submitted the following statements which, without objection, will be entered into the record in their entirety.

A statement from State Senator Gary Hart, a statement from State Senator Bill Green, one from the Immigration and Naturalization Service of the Los Angeles District, in the name of Mr. Paul Gilbert. A statement from Sally Peterson, President, Learning English Advocate Drive. A statement from Adelle Grossman, as a citizen. A statement from Gloria Soto, a parent. A statement from Joe Howard, Vice President, PTA, Koester Elementary School, Van Nuys. Now, I know that there are several indivudals in the audience who have indicated the desire to testify. We are limited as to time, so I will call these names of several who wish to testify, and let us say allocate to each of them two minutes. We hope that they will briefly condense what they might say and submit any additional comments to the Committee, and we will keep the record open so that a full statement will be entered into the record. I understand that Mr. Joe Velarde is in the audience. May I ask him to come up and be seated at the Witness table. Mr. Joe Howard. Is Mr. Joe Howard present? Ms. Duana—is it Miss or Mrs.—Ms. Duana Doherty, and Mr. Gilbert. Would those persons whose names have been called kindly be seated? Mr. Velarde, we would ask you to express yourself first, and we appreciate your being present with us. Mr. Velarde.

STATEMENT OF JOE VELARDE, LA COOPERATIA COMPESINA DE CALIFORNIA

Mr. VELARDE. I appreciate this special dispensation you have given us to open the microphone this way. My name is Joe Villadri or Velarde, it is your choice. I represent La Cooperativa Compesina de California, an association of Migrant and seasonal farmworkers in the State of California. I want to make sure a number of things occur and I appreciate the time to do so. Number one to get on record the words migrant and seasonal farmworker, or special agricultural workers. The Act, itself, gives about 30 percent of the states that it was printed in to special agricultural workers, and noone needs to tell you how important that is. And I appreciate the opportuaity, also to submit the written statement in complete form. I will just touch on three points immediately and give the microphone to my colleagues.

With regard to the law itself, there is a very definite discrepancy in the law which I am sure was not the intention of the Congress, and that is the aspects of the public health benefits that are denied the special agricultural worker, while not being denied to the eligible applicant under Section 245A. And somehow or another a great many of us feel that this is a cut and paste slip through the cracks last minute kind of thing and does not reflect the intention of Congress. Nevertheless, it is there.

And it is particularly a contradiction and particularly unjust, especially when public health officials are saying that communities, such as migrant and seasonal farmworkers are very high on the list of those persons that need public health attention, and particularly when the requirements for their physical examinations and health examinations call for examinations of tuberculosis and of AIDS and so forth and so on.

So we would ask you to please do whatever you possibly can to correct this imbalance within the law which now creates two other classes of eligible applications.

With regard to education, we would ask you to please consider that there are a great many ways in which people are educated and a great many ways in which people learn and are taught. And that this—despite all we owe to school, but there are a great many other institutions and agencies throughout the Country and also here in California who also contribute to the education and teaching and the learning. There has been some reference made to that by earlier testimony here.

Particularly with regard to migrant seasonal farmworkers are the community-based organizations that are members of the association I represent, all nonprofit, all community-based, and with a track record of twenty years of service to that community. We do not have one problem telling one farmworker from another. They do not all look alike to us.

With regard to the subject of interpretations, that, too, has been underlined for you here today, and I would like to underscore it one more time. It is evident to us who have already submitted responses and comments to the Department of Health and Human Services, as well as to the Department of Justice, INS, that their proposed regulations, and who are also involved in participating in meetings at county levels and at state levels, that at the time some of the things you wrote into that law get actually implemented at the street level, they may not look like anything you ever expected to have happen, and if you would only just continue to keep your oversight functioning to see that the implementation that you get at the community level is actually what you intended. And I know it is a confusing and convoluted Act, but there are a lot of other ones like that in this Country, and it has been the attention that has been paid to it that has made it possible that we do not create injustices when it was not intended to do so. And I certainly appreciate the opportunity to say this.

Thank you.

[The prepared statement of Joe Velarde follows:]

LA COOPERATIVA
1301 H STREET • SACRAMENTO, CALIFORNIA 95814 • 916/442-4791

A CALIFORNIA ASSOCIATION OF JTPA TITLE IV, SECTION 402 FARMWORKER ORGANIZATIONS

GEORGE L. ORTIZ
CHAIRMAN, BOARD OF DIRECTORS

RAUL MEYRELES
EXECUTIVE DIRECTOR

"IMMIGRATION, LEGALIZATION AND EDUCATION"

TESTIMONY

COMMITTEE ON EDUCATION AND LABOR
U. S. HOUSE OF REPRESENTATIVES

THE HONORABLE AUGUSTUS HAWKINS
CHAIRMAN

FIELD HEARING ON EDUCATION AND IMMIGRATION
Manfred E. Evans Community Adult School
Los Angeles, California

September 28, 1987

CALIFORNIA HUMAN DEVELOPMENT CORPORATION • CENTER FOR EMPLOYMENT TRAINING •
CENTRAL VALLEY OPPORTUNITY CENTER • EMPLOYERS TRAINING RESOURCE, KERN COUNTY •
PROTEUS TRAINING AND EMPLOYMENT, INC. • STATE OF CALIFORNIA EMPLOYMENT DEVELOPMENT DEPARTMENT

LA COOPERATIVA TESTIMONY ON IMMIGRATION AND EDUCATION

Good afternoon, Chairman Hawkins and Congressmen Roybal, Martinez and Torres. My name is Joe Velarde and I am the Deputy Director of La Cooperativa Campesina de California, a statewide association of migrant and seasonal farmworker organizations concerned with programs of training and employment, housing, child care, migrant education, economic development and, more recently, immigration and legalization services. Our principal office is in Sacramento, California, and we maintain close ties with the national Association of Farmworker Opportunity Programs and the Committee For Farmworker Programs.

We appreciate very much the opportunity you give us today to present our viewpoints and perceptions and, particularly, the opportunity to make the words "migrant and seasonal farmworkers" or "special agricultural workers" a matter of attention and record in today's hearings. I want to thank you, beforehand, for opening the witness list and the microphone in order to hear our concerns about farmworkers, legalization and education.

Having the advantage of hearing the testimony of the previous witnesses, and in order to make the best use of the limited time you have graciously allowed, I will limit our remarks to the following specific aspects of the IRCA legalization process as they affect the special agricultural worker:

- Continued Oversight Is Necessary. We find that there can be a considerable difference between the language of the Congressional Act (IRCA) and the interpretations given by federal agencies and departments in their implementing rules and regulations. IRCA is a convoluted, difficult and confusing law as is, and its regulatory and administrative actions by the Department of Justice, INS, Health and Human Services, Labor and others can produce results that were never the intent of Congress. We would prevail on you to continue your obligation to assure that the law of the land you created is implemented as you intended.

In this regard, you may want to specifically watch over the allocation of resources as applied to those aspects of IRCA that deal with reform and those that deal with control. As you heard earlier today from several other witnesses, we are all awaiting the final rules from HHS and INS in order to be able to plan and program services dealing with the reforms in the Act. In the interim, since IRCA was signed into law on November 6, 1986, the INS in its Western Region alone has accounted for more than 567,000 apprehensions. It is fairly evident that INS has been better prepared for the control part of the Act than the reform aspects.

- SAW's and Public Health Services. There is one very specific aspect of IRCA that we do not believe was your intention; we think that the language of the Act that denies public health services to SAW's while allowing them for pre-1982 eligibles (under Section 245A) was an oversight, something that "fell through the cracks" in the last minute cut-and-paste hastiness to meet deadlines. We do not believe you intended to create two subclasses of legalized aliens eligible for public health services, and we would ask you to take immediate action to correct this contradictory and counterproductive condition. Officials from HHS tell us their hands are tied because of the Act's wording, while acknowledging that there is a discrepancy here.

- Education and Learning. Our last point to be made today deals specifically with the very purpose of your Committee's field hearing: the role of education in the immigration, or legalization, process. All of the preceeding witnesses have made admirable cases for the needs of schools, school programs, school materials, teachers, space, and, of course, the student. In this case, the main point has been clearly stated: schools and their educational systems will be very hard pressed to meet the special needs of the newly legalized aliens and their children. To meet those needs, schools will require the bulk of the resources available under the Act.

We would like to offer a perspective that we hope will serve to remind you that there are distinct differences between school and education, as well as between educational programs and learning.

Learning does not only take place in school nor, necessarily, as a product of educational programs. Learning is a function of many societal institutions, as is the function of teaching, as well. The family, the church, the workplace, the street, the community -- all provide opportunity and experience that add up to cognitive and affective changes in the human being.

We have heard a great deal about "impacting the child" with the benefits of educational programs. While not denying the beneficial possibilities therein, we would ask that you consider the implications of providing most of the resources for children's educational needs while failing to recognize and provide for the needs of the ambiance in which that child develops: the family, the community.

Lastly, we would ask you to recognize the limitations of scholastic institutions. It would be ludicrous not to recognize that all of us present here today have been well-served by school and its educational services. Our ability to communicate complex ideas with each other, if nothing else, is proof of that. However, we here in this hall do not represent that sector of the population under scrutiny and discussion today. We represent a part of that 55 to 60 percent of the population that has succeeded at this thing called "School." The people that we are now concerned with, the newly eligible IRCA applicant, the legalized alien, especially the special agriculural worker, are the other 40 to 45 percent. These have never been the best-served by educational systems. School, by and large, has failed them and they have failed School. Now, all school systems are telling you that helping these same people to attain educational benefits and goals is simply a function of money. The more money School gets, the more and better their results. Their record does not show this: not with this special population, the minorities, the poor, the disadvantaged.

We would ask of you, then, that you lend the weight of your Congressional authority to recognizing the work and capabilities of other agencies and organizations, primarily community-based, to servicing the educational needs of newly legalized aliens, particularly migrant and seasonal farmworkers. To recognize them as having equally, bona fide roles to play and to share in an equitable distribution of resources along with schools and their systems.

Thank you, Mr. Chairman, for this opportunity. We also appreciate the opportunity to make our testimony a matter of record with your Committee.

Chairman HAWKINS. We thank you. Also a statement from the organization, Mr. Velarde, which was written to the Chair personally will also be included in the record as well.

Mr. VELARDE. Thank you, sir.

Chairman HAWKINS. We—Mr. Joe Howard.

STATEMENT OF JOE HOWARD, VICE-PRESIDENT, KOESTER ELEMENTARY SCHOOL PTA

Mr. HOWARD. Thank you, Mr. Chairman and members of the panel. I am the Vice President of the Koester PTA Elementary School, and I would like, if I may, at this time to give you a kind of view from the trenches about a point which I think is of essential interest to your panel, and that is the current transitional bilingual program.

I have had the opportunity to speak to the people who are implementing it, to watch it work, to try and put my finger on the pulse of what is going on in the Los Angeles school system on the level where this program is being implemented.

The program is currently being challenged, and I think you may be aware of that, and I would like to address some of the issues connected with this, if I may.

The matter of whether to proceed with transitional bilingual education is not one which requires minute sorting detail. This system, which has been in effect for some years now, and however well-intentioned it was at its inception, is failing to achieve its intended objective of teaching English to Spanish-speaking children. The simple measure of this is the children graduating from sixth grade in the bilingual program are reading and writing two to three grade levels below where they need to be for Junior High. They are finding themselves unable to function in Junior High because of their lack of English proficiency, and large numbers of them are dropping out of school.

Now the current transitional bilingual program as presently constituted does not take advantage of young children's sponge-like ability to soak up a new language quickly, and instead binds them in their Native language. It is also effectively segregating them from the other children who either speak English or who are not Hispanic and have the advantage of learning English rapidly through immersion.

Normally, a program which fails is discontinued and another approach is tried. But there seems to be tremendous resistance to change in this particular arena, probably because the matter has become a political and an emotional issue, and is only to the detriment of the Spanish-speaking children.

Another casualty of this failed program are the teachers in the bilingual program. Those who do not speak Spanish, as you know are being forced to learn proficiency in that language, or be displaced from their job. Most teachers do not feel it is beneficial to speak to Hispanic students in their Native language, particularly when the students and their parents are actually requesting to be taught in the English language. Now, some teachers are having trouble passing the very trickily-worded proficiency exam. Many of them, I believe, feel it is unreasonable for a United States citizen to be asked to learn a foreign language in order to remain teaching in an American public school, and some feel that they would rather leave their jobs than compromise on this basic principle.

Now, there are enough factors guiding dedicated career professionals from teaching these days, and everyone knows what they are. But to add a foreign language requirement on top of the rest is perhaps more than the current educational scene should have to bear.

Dedicated career teachers in the Los Angeles school system, the ones who know what works with children and what does not, have proposed a new immersion base bilingual approach, that if presented fairly would have strong support from the Latino community. In a very sincere and courteous fashion, they proposed it to the LA Board of Education, along with their concerns about the failure of the present program. Members of the LA School Board reacted with contempt and derision.

My wife personally witnessed this shocking response. The bilingual-bicultural parent advisory committee reacted in a similar fashion to a similar presentation, and the puzzle is why? The Los Angeles Board of Education met in closed session this past Monday in order to vote whether to extend the Spanish proficiency requirement for teachers in the bilingual program. There was no public notice given of their intent to vote on this key issue. Why? Is it because this program would never withstand the scrutiny of a public forum? Is this program on such shaky ground that its extension could only be assured by sneaking it through? Is this current bilingual program, now identified as a failure, unstoppable because it is a large machine of bureaucracy already set in motion, and are there vested interests threatened by its replacement? What accounts for the outright hostility to any mention of change or improvement? Why are Latino leaders advocating the current bilingual program so adamantly, when the best interests of their people are not being served by it.

There has been a tendency to label anyone as racist who speaks against this program, because such criticism is assumed to be anti-Hispanic. The latter is not necessarily true. The current transitional bilingual system is not by its intent, but by its failure, anti-Hispanic. This fact must be recognized by all concerned if the social tragedy that it is generating is to be stopped. Latino children are being crippled by it. And the teachers, whose only Crime is wanting to teach them English are being held under the Axe. And the question, from where I stand, is why can no one in authority see this? Does not anyone care that this is happening?

Thank you.

[The prepared statement of Joseph Howard follows:]

Joseph Howard

Addressing the Current Bilingual Program: Its Tragic Shortcomings

The matter of whether to proceed with transitional bilingual education is not one which requires minute sorting of detail. This system, which has been in effect for some years now (and however well-intentioned it was at its inception), is failing to achieve its intended objective of teaching English to Spanish-speaking children. The simple measure of this is that children graduating from sixth grade in the bilingual program are reading and writing two-to-three grade levels below where they need to be for Junior High. Finding themselves unable to function in Junior High because of their lack of English proficiency, large numbers of them drop out of school. The current transitional bilingual program does not take advantage of young children's sponge-like ability to soak up a new language quickly and, instead, keeps them bound in their native language. It also segregates them from the other children who either speak English, or who are non-hispanic and have the advantage of learning English rapidly through immersion.

Normally a program which fails is discontinued, and another approach is tried. But there seems to be tremendous resistance to change in this particular arena, probably because the matter has become a political and and emotional issue...and that has worked only to the detriment of Spanish-speaking children.

Another casualty of this failed program are the teachers in the bilingual program. Those who do not speak Spanish are being forced to learn proficiency in that language or be "displaced" from their job. Most teachers do not feel it is beneficial to speak to Hispanic students in their native language, particularly when the students and their parents are clamoring to be taught in English. Some teachers are having trouble passing the very trickily-worded proficiency exam. Many of them feel it is unreasonable that a United States citizen be asked to learn a foreign language in order to continue teaching in an American public school. There are enough factors driving dedicated career professionals from teaching these days, and everyone knows what they are. To add a foreign language requirement on top of the rest is more than the current educational scene should have to bear.

Dedicated career teachers in the Los Angeles School system, the ones who know what works with children and what doesn't, have proposed a new, immersion-based bilingual approach that **has overwhelming** support from the Latino community. In a very sincere and courteous fashion, they proposed it to the LA Board of Education along with their concerns about the failure of the present program. Members of the LA School Board reacted with contempt and derision. My wife witnessed this shocking response firsthand. The Bilingual, Bi-Cultural Commission reacted in the same fashion to a similar presentation. The puzzle is "why"?

The Los Angeles Board of Education met in closed session this past Monday to vote on whether to extend the Spanish proficiency requirement for teachers in the bilingual program. There was no public notice given of their intent to vote of this key issue. Why? Is it because this policy would never withstand the scrutiny of a public forum? Is this program on such shaky ground that its extension could only be assured by sneaking it through?

Why is it that so few people knew about this congressional hearing today? Why hasn't the word gotten around about it? Are we dealing with a program whose continuance depends on its not seeing the light of public debate?

Is this current bilingual program, now identified as a failure, unstoppable because it is a large machine, a large bureacracy already set in motion, ~~or~~ are their vested interests threatened by its replacement? What accounts for the outright hostility to any mention of its being changed?

Why are Latino leaders advocating the current bilingual program so adamantly when the best interests of their people are not being served by it? There has been a tendency to label as racist anyone who speaks against this program, because such criticism is assumed to be anti-Hispanic. The latter is not necessarily true. The current transitional bilingual system is not by its intent, but by its failure, anti-Hispanic. This fact must be recognized by all concerned if the social tragedy that it is generating is to be stopped. Latino children are being crippled by it, and the teachers whose only crime is wanting to teach them English are being held under the axe. Can no one see this? Doesn't anyone in authority care that this is happening?

(This address was prepared for delivery at the Congressional hearings held at Evans Adult School, 717 North Figueroa, Los Angeles on September 29, 1987. Author is Jce Howard, Vice President of the PTA at Kester Elementary School in Van Nuys.)

Chairman **Hawkins**. Thank you. Are you speaking only for your district school, or are you——

Mr. **Howard**. I am speaking as a parent who is involved in the system, and I am speaking on behalf of myself.

Chairman **Hawkins**. I see, because the district PTA and the State PTA have both filed their recommendations with this Committee, and they differ somewhat from your views. I just wanted to make sure you were speaking as an individual.

Mr. **Howard**. I think I can also speak on behalf, sir, of rank and file PTA members, as well, who do not share the position of the overall organization.

Chairman **Hawkins**. Would you have that rank and file for which you speak file a statement with the Committee, and I can recognize the credibility of the group for which you speak?

Mr. **Howard**. I would have to do some rounding up—there are other panelists——

Chairman **Hawkins**. I would suggest you do that and submit the testimony.

Mr. **Howard**. Thank you, sir.

Chairman **Hawkins**. Finally, Ms. Doherty. And you will speak—adult education representative?

Ms. **Doherty**. I am a teacher, a classroom teacher.

Chairman **Hawkins**. You are speaking for the UTLA and Board of Directors?

Ms. **Doherty**. I am a representative on the UTLA on the board of directors. I have experience and have worked with many teachers, and I am making some additional comments——

Chairman **Hawkins**. I am trying to identify for whom your speaking is. It is for the UTLA Board of Directors?

Ms. **Doherty**. The United Teachers of Los Angeles. These are additional comments to everything that has been above—general ideas that have been made.

Chairman **Hawkins**. You may proceed. Thank you.

STATEMENT OF DUANA DOHERTY, MEMBER, BOARD OF DIRECTOR, UNITED TEACHERS OF LOS ANGELES

Ms. **Doherty**. Thank you, Congressman Hawkins, and members of the Committee. We were country before the Country was country. For many years we have been fighting for ELS and adult education ESL classes. This school in particular, for 15 years, the teachers have been working and organizing to bring more services to the students of Los Angeles.

Number one, children in elementary and secondary schools should not be excluded from educational services after three years of schooling. The intent of Congress clearly indicates that reasoning that includes adults is meant also for children. And there really should not be a test given for children for elementary and secondary as to their proficiency. They are there and the funding should go to their learning in the classroom.

To the formula for 1987, 88 allocating of funds from the federal to state government, needs improving from a 1 percent waiting to a 10 percent waiting. An amendment is needed to not exclude persons new to this Country from legal stature from the past five years. Such persons live in a state of fear, fearful of their jobs due to employer's sanctions, and fearful to come and go freely, a climate of problems created for the whole society. Aside from unfairness to inflict such a state on individuals, the society suffers from uneducated persons who, because of lack of education, can become health risks, crime and juvenile delinquency problems, and so forth, develop. Legal prohibitions need to be removed so that these persons can be educated and help improve the state of living for all society.

Also, all statistics show that service areas will be needing more employable persons, and it is short sighted to not recognize these people for legalizations from the past five years.

For funds allocated to educate the hundreds of thousands of persons applying for amnesty should go to the classroom. Competent, credentialed, and experienced teachers can best provide a quality education. The preferred manner to really educate people is through a staff of dedicated, career educators. Adult education teachers should be granted the right of job security and equity and professional rights and benefits. Full-time educators can best work towards providing a program of continuity of skills for their students.

The public school should be the umbrella for which other agencies work. All the classes should be recognized classes taught by credentialed teachers.

Five, additional funds are needed to provide more counsellors, clerks, maintenance in the adult schools. Community adult schools are drained of personnel who use much time, energy, and resources in assisting persons in identification for amnesty. Counsellors are needed to assist in the correct testing, placement and sequencing of classes for the large numbers of persons enrolled in community adult schools. Materials and machines and resources are also needed.

Six, every effort should be made to provide and develop the continuing effort of sequentialed skills and sequencing of classes for students. A testing program is vitally needed to begin and help with this process. The direction of funds and resources personnel and time and energy should be towards developing a total program of English and citizenship development. The goal must be a total program of excellence for students in English and citizenship.

Seven, there needs to be a national plan and priority setting, which would include English as a second language. A few volunteers through libraries, for older persons who may need to learn to read and learn English is understandable. For educating masses of people in English as a second language, there needs to be continual funding and a stable funding plan.

There is also the problem of literacy, which needs to be looked at for the beginning levels of English in our schools. It seems to be eligible in the authorization for teachers and other persons to recruit students and people who are applicable, may apply for citizenship and amnesty. This should be looked into. I appreciate your time for these remarks.

Teachers have been working long and hard, and I hope that you give some consideration for the relationship between the learning from the students who have been long committed to this process.

[Additional comments of Duana Doherty follow:]

In addition to previous comments the following are submitted for consideration:

1. Children in elementary and secondary schools should not be excluded from educational services after 3 years of schooling.The intent of Congress clearly indicates that the same reasoning that includes adults is meant also for children.
2. The formula for 1987-88 allocating of funds from the federal to state governments needs improving from a 1% weighting to 10 % weighting.
3. An amendment is needed to not exclude persons new to this country from legal stature for the past five years. Such persons live in a state of fear. Fearful of their jobs due to employer sanctions, and fearful to come and go freely, a climate of problem is created for the whole of society. Aside from unfairness to inflict such a state on individuals, the society suffers from uneducated persons who,then because of lack of education,can become health risks-and crime and juvenile delinquency, sexual harrassment and many other areas of problems develop. Legal prohibitions need to be removed so that these persons can be educated and help improve the general state of living for all society. Also all statistics show that service areas will be needing more employable persons and it is shortsighted to not recognize this need for the future.
4. Funds allocated to educate the hundreds of thousands of persons applying for "Amnesty" should go to the classroom. Competent, credentialed, and experienced teachers can best provide a quality education. The preferred manner to really educate people is through a staff of dedicated career educators. Adult Education teachers should be granted the right of job security and equity in professional rights and benefits. Full-time career educators can best work towards providing a program of continuity of skills for their students.
5. Additional funds are needed to provide more counselors, clerks, and maintenance in adult schools. CAS are drained of personnel who use much time, energy, and resources in assisting persons in identification for Amnesty. Counselors are needed to assist in the correct testing, placement and sequencing of classes for the large numbers of persons enrolling in community adult schools.
6. Every effort should be made to provide and develop the continuing effort to provide a program of sequential skills and sequencing of classes for students. A testing program is vitally needed to begin and help with this process. The direction of funds and resources, personnel and time and energy should be towards a total program of English and citizenship development . The goal must be a total program of excellence for students in English and Citizenship. The short-time line must be incorporated into an overall mission of developing a total on-going program of ESL so that students are part of an over-all program and this is lasting with each student learning the optimum possible in English and Citizenship and also a model total program being the result.

Duana Doherty
P.O. Box 443
San Fernando
CA 91340
818-362-0945
Adult Education Representative
UTLA Board of Direcotrs
Adult Education Commission,Chair
California Federation of Teachers

Chairman **Hawkins**. Thank you, Ms. Doherty. This concludes the hearing—this first in a series of hearings. Others will be announced, and we obviously invite all of you to attend the other hearings. The sites will be announced. The Committee will also supply staff on a continuous basis to the operators and administrators and teachers and others interested in the program, and we can assure you that negotiations by the Committee with the appropriate departments will continue. And we are deeply appreciate of those who have testified today, and those of you with patience to sit all the way through.

That concludes the hearing. Thank you.

[Whereupon, at 12:35 a.m., the hearing was concluded.]

[Additional material submitted for the record follows:]

ELS Language Centers ESL Projects
154 Pico Blvd., Santa Monica, CA 90405 (213) 399-9124

Russell W. Cummings, Director

October 8, 1987

Committee on Education and Labor
U.S. House of Representatives
2181 Rayburn Office Building
Washington, D.C. 20515

Honorable Sirs:

Attached please find my written testimony presented in the context of the field hearing on immigration and education held on September 28, 1987 at the Evans Community Adult School in Los Angeles, California.

It is my honor to provide you with my testimony not only as the primary person responsible for adult immigrant English language training in the Los Angeles area, but moreover as a fully-trained teacher of English as a Second Language, with a Master's Degree in Teaching English as a Second Language from the University of California at Los Angeles (1985), and a specialist in Curriculum Development and Evaluation, with five years of teaching and administrative experience in Los Angeles and China to both immigrants and foreign students. I hope that from my perspective I can provide Congress with valuable input as you consider the pragmatic implications of the Immigration Reform Act of 1986.

I would also like to thank Congressman Hawkins and Mr. Ricardo Martinez for allowing me this opportunity to present our viewpoint in the hearing record.

I would be very happy to elaborate on this written testimony and provide further input to the Committee at a later hearing.

Respectfully submitted,

Russell W. Cummings, M. A.
Director of ESL Projects

cc Congressman Edward Roybal
Congressman Esteban Torres
Mr. Ricardo Martinez

Attachment

TESTIMONY PREPARED FOR:

**THE COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
2181 RAYBURN OFFICE BUILDING
WASHINGTON, D.C 20515**

Submitted to the record of the
Field Hearing Held on September 28, 1987
Manfred Evans Adult School
Los Angeles, California

by Russell W. Cummings, M. A.
Director of ESL Projects
ELS Language Centers

Congressman Hawkins, Distinguished Committee Members and Staff:

I want to thank the Members and Staff of the Committee for allowing my company and I to present testimony to this hearing record. ELS Language Centers have been informed by INS that we will qualify as an approved English Language Teaching facility due to our current mandate to issue I-20 visas to our foreign student population. We feel the viewpoint of a proprietary English language school is important to consider in light of the budgetary, logistic and especially the academic constraints of the legalization process, especially in regard to the requirement of English "proficiency" mandated by Congress as a qualification for permanent residence status for aliens who have entered the country illegally within the time frame for amnesty in the Immigration and Reform Act of 1986. I hope the committee will indulge me as I attempt to briefly outline several key points related to this issue.

Timing

The law presently allows for applicants to qualify for permanent residence status if they are "currently enrolled" in an approved English language program. I believe this language, as it reads, allows a large loophole that would violate the legislative intent of the language requirement. All the applicant need do is enroll in an approved program shortly before the interview, show INS the form they will undoubtedly develop for this purpose, achieve permanent residency, and then drop out of the English language program. I do not mean to predict generally that such people who possess a green card will not seek further English language training on their own volition, but on the other hand I am sure Congress realizes that many people will take advantage of such a loophole in the manner I have described. Those providing these people legal advice would almost certainly advise their clientele of such a situation.

Perhaps the reason for the "currently enrolled" language is due to the relatively short time of 18 months mandated from the achievement of temporary residence status for people to learn enough English to be "proficient". At this hearing representatives of the Los Angeles Unified School District indicated that some students, specifically those who are not even literate in their native language, would require three years of schooling in a public adult education program to achieve "proficiency". (Incidentally, we feel we could provide such training within an 18 month time frame, largely due to the increased learning pace afforded by our smaller class sizes; we intend to limit our classes to a maximum of 15 students, while the public adult education programs average 35 to 60 students per class.)

If the intent of this particular legislation is to ensure that legalized persons be able to enter the national labor force as workers who are able to compete or integrate with the existing work force, and that one important aspect of this integration be the ability to communicate in English, then I suggest Congress consider requiring "proficiency" prior to achievement of permanent residence status. This could be accomplished by changing the 18 month time frame to a flexible time frame of 18 to 36 months, and allowing those who fail to establish "proficiency" in the eyes of the INS examiners a chance to improve their English as continuing temporary residents and then letting them be reexamined at later times until they are able to pass this requirement.

Curriculum

It is my opinion that under the current constraints of the legalization timetable, the intent of the LAUSD to provide preliterate students with a three year curriculum to "proficiency" is illogical and impractical. We feel that curricular methods exist which would allow these people to achieve "proficiency" in a much shorter time frame, chiefly by teaching literacy in English by bypassing literacy in the first language. This is not the best way, perhaps, but if the 18 month time frame continues to exist, we educators are forced to innovate in an effort to allow our student constituency an opportunity to learn the English necessary to qualify despite the difficult obstacles. "Necessity is the mother of invention", and we at ELS are confident we can develop a curriculum that will be very successful.

"Proficiency"

The most difficult hurdle for we educators is the term "proficient" as used in the Immigration and Reform Act of 1986. "Proficiency" requires a scientific definition beyond the few words the law provides. With a concrete, working definition of English proficiency, we educators can competently develop a curriculum that will allow our students to achieve this goal. The alternative is guesswork and completely unfair to students, curriculum designers, and moreover a violation of the legislative intent of "proficiency". We need guidelines. ELS would be happy to provide input toward such guidelines.

In my conversations with the INS, they have indicated that they intend to evaluate proficiency by asking about ten questions regarding U.S. History and Government in English, and then administering a one sentence dictation. From the perspective of an expert on English evaluation. I can tell you that this method of testing is statistically unreliable and scientifically invalid. In the interview, the examinees are forced to cope with accurately reflecting their knowledge of U.S. History and Government while expressing that knowledge in a language they are merely learning. No experienced test designer would dare subject their examinees to such double jeopardy. If an answer is wrong, is it a reflection of their knowledge of society, or language? I doubt an INS examiner could reliably answer this question. No testing expert would dare undertake to do so. Clearly examination of U.S. History and Government must be separated from linguistic evaluation. As for the one sentence dictation test, there are two major problems: 1) one sentence is not long enough for any dictation test, no test of anything less than 25 items is a reliable measure of anything; and, 2) dictation tests are not valid measures of holistic language competence. The subjectivity of the current scheme to evaluate applicants of legalization is appalling. Does Congress want to subject an applicant to the subjective whim of an examiner who would destroy 18 months of hard work due to a sleepless night or intense work pressure?

Beyond insisting that Congress ascertain a scientific definition of proficiency in concert with current theory and practice in Applied Linguistics, I suggest that an outside organization be contracted to develop objective tests to accurately measure both the social knowledge and the degree of English proficiency. Moreover, an outside contractor should be hired to evaluate whatever evaluation mechanism is developed to see if it accurately reflects the intended linguistic and social knowledge goals of the law.

Family unity

We agree with the prevailing viewpoint that new Immigration legislation be altered to allow immediate family members of legalization applicants the right to qualify for legal residency, but, since these people would also be expected to integrate themselves into the American work force, we believe that any family members admitted under such a law also be required to meet the English and social knowledge requirements of the law. Of course, these family members too must be allowed a reasonable amount of time to obtain this knowledge. Any aged family members should be exempt from these requirements as they would be under the existing requirements.

Unmet need

As indicated elsewhere in the hearing record, of the two million potential amnesty applicants, one million live in the Los Angeles area. Of that one million, 80 percent, or 800,000 will require some amount of English language instruction. Of that 800,000, only 40 percent, or 320,000 could be taught by the public adult schools under present funding. This leaves 60 percent, or 480,000 people who will be forced to seek language instruction in the private sector. While we understand and expect Congress to provide more funding for public instruction of this population, we at ELS are prepared to meet any unmet need. I am sure other language schools are capable and qualified to provide this instruction. It is my responsibility at ELS to provide and coordinate such instruction, and it is my intention to provide this instruction at a greatly reduced cost as a service to this community.

We belive it would be of service to legalization population to advise them of the availability and locations of approved proprietary English language schools in the event that they cannot find instruction in the public sector. The very fact that I am trying to provide instruction at a reduced cost prevents me from spending vast amounts of funds on advertising to announce our classes to this constituency, which is very difficult to reach. I would suggest that Congress instruct the various public institutions and the INS to refer students who cannot find public education to the private schools that offer such services. For example, the LAUSD collects waiting lists of all students who are unable to enroll in their adult English language courses. We understand that we cannot see these lists as that might violate their privacy. Thus, we suggest that some sort of announcement of alternatives be sent to these people, if not all people under temporary resident status, apprising these people of the schools approved to provide such instruction. ELS would be happy to provide funds for such announcements, and the mailing costs involved.

The Culpability of Proprietary Language Schools

It is suggested in this hearing record that private language schools are going to appear on the scene to meet the unmet need left by the public sector. It is suggested that private language schools will "exploit" these students and provide inadequate instruction in an effort to make money without consideration of these students' needs. ELS takes great exception to these charges. We are qualified by law to teach these people, and we aim to bring our 26 years of experience to bear in an effort to provide the people who choose to attend our courses the best instruction available at a cost made as affordable as possible. There may unethical people who will do the legalization population some disservice in training them, but we refuse to be grouped with such entities.

It is suggested that private English training facilities be subject to inspection and investigation to assure the public that they are legal and academically competent to teach this population. We would be happy to be subject to such direct scrutiny, but suggest that if any evaluative scrutiny be conducted, that schools in the public sector also be investigated and inspected. Our existence and effort in this matter is a direct result of the private sector rising to the occasion and providing services that the government cannot completely provide. We assess no blame in making this statement, would only like to point out that we are fulfilling our role in society and do not deserve adverse reactions and publicity simply because we have identified a market and are meeting a need in an entrepreneurial, and yet professional, fashion.

Of course the courses made available in the private sector will be somewhat costly for large portions of the legalization population to afford. There is little we can do but try to limit our costs and provide these classes at a very low profit margin. One way Congress could alleviate such costs would be to provide the private language schools with grants based on students per class hour. We don't expect this to happen, but then we cannot be blamed for providing a needed service to our community for some profit.

Simply by defining the concept of "proficiency" and using such a definition to provide performance objectives will force all language teaching entities to provide instruction that meets such objectives. As long as "proficiency" remains an abstract concept to be evaluated subjectively, no one can be held accountable for the kind of education they provide. Moreover, without a scientific approach to the curriculum for and evaluation of proficiency, the subjectivity to the whole issue of language training will bring chaos to Congress' good intentions at providing to these new Americans an opportunity to become part of our greater society by means of providing the tools and knowledge necessary to become a satisfied and useful part of that society.

Again I would like to thank the honorable members of the Committee for providing we at ELS an opportunity to provide input on this important matter. I would be happy to provide any further input at Congress' convenience.

ELS Language Centers ESL Projects

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Adelle Gross
This shows
how child
are placed in
the program
without writt
permiss

EUCLID AVENUE SCHOOL
806 South Euclid Avenue
Los Angeles, California 90023
(213) 263-6792

NOTIFICATION OF ENROLLMENT IN
BILINGUAL PROGRAM OF INSTRUCTION
ELEMENTARY

Dear Parent:

Your child has been assessed regarding his/her English language fluency. Based on this assessment, your child will be enrolled in a bilingual program of instruction.

This program serves limited English proficient (LEP) children by making provisions for the following:

1. Instruction in English as a Second Language for students who do not have the English language skills necessary to profit from instruction given only in English.

2. The development of the ability to read and write in English at the appropriate time.

3. The development of the ability to read and write in the primary language, as appropriate.

4. Instruction in math, science, and social studies presented in both the native language of the student and English.

5. The development of a positive self-concept.

6. The study of the historical and cultural heritage of the participating students.

Children enrolled in a bilingual program as a result of the assessment of their fluency in English will continue in the program until further testing indicates they can participate successfully in a program conducted only in English.

Parents whose children are, or will be, enrolled in a bilingual program are invited to visit the classes and to participate in the school or district advisory committees.

You have the option as a parent or guardian not to have your child enrolled in a bilingual program of instruction. If this is your desire, please sign the attached form and assure its return to the school as soon as possible.

If you desire further information, please contact the school.

I have read and understood the description of the bilingual program being provided by the school. Please be advised that I do NOT wish my child ____________________ to participate in the bilingual program described.
(Name of Student)

____________________ Signature of Parent

____________________ Date

8/27/81

MATERIAL SUBMITTED TO THE HOUSE OF REPRESENTATIVE COMMITTEE ON EDUCATION AND LABOR

By: IMMIGRATION & NATURALIZATION SERVICE
LOS ANGELES DISTRICT
PAUL GILBERT
SPECIAL ASSISTANT TO THE
DISTRICT DIRECTOR

On: September 28, 1987

In: Los Angeles
California

Los Angeles District

The Los Angeles District of the Immigration and Naturalization Service is working to reach out to the community to encourage people to apply for legalization under the Immigration Reform and Control Act of 1986.

We have established 15 offices within the District, over 7 counties of Southern California which include: Los Angeles County, Orange County, Riverside County, San Bernardino County, Ventura County, Santa Barbara County, and San Luis Obispo. These offices were opened the week before people could begin applying for legalization based on being in the U.S. illegally before January 1, 1982, that is in the last week of April. In addition, there are almost 100 locations manned by qualified designated entities where persons applying can get help in applying for $100 or less and there are over 150 doctors who have been qualified to give physicals.

As of September 23, 1987, we had received the following number of applications.

Legalization	301,111
Special Agricultural Workers	17,751
Registry cases (in U.S. before 1972	6,000
	332,862

We have interviewed just over 204,000 persons and our approval rate is now at 95 percent of the applications we have received.

Educational institutions will be called upon to interact with persons who are in the county illegally or who have adjusted to a legal status in four ways.

First, educational institutions can help get out the word that people can apply to make their status here legally and that if they meet the requirements it pays for them to do so, since it will be illegal for employers to hire persons who are in the country illegally if the employer is hiring after November 6, 1986.

Second, since persons applying under legalization and under the special agricultural worker program become temporary residents for 30 months, they must reapply 18 months after they have obtained temporary resident status to become permanent residents. Congress has given people one year, after the 18 month period is up, to apply. Congress also requires them to know something about the Constitution, U.S. history, and English or be enrolled in schools teaching these subjects at the time that they apply for permanent residency. This will put a strain on schools attempting to provide space, teachers and materials to teach people these subjects. That strain has already begun but will increase rapidly through 1989.

Five years after people abtain permanent residency they can apply for U.S. citizenship. Because this appreciably allows them to cut the time it takes to legally immigrate their spouses, children, brothers, and sisters, it is expected that beginning in 1995, there will be a second swell of demand for English and U.S. history classes. In fact, because permanent residents married to U.S. citizens can apply for naturalization only 3 years after they obtain permanent residency, that second swell of demand for classes will begin in 1993.

The third way that schools are affected is that they will be preparing I-9 (Employment Verification)forms for all persons hired after 11/6/86 as other employers are also doing.

Last, schools are being asked to supply records showing that people were in school, so that these people can prove their residency to Immigration & Naturalization Service.

U.S. IMMIGRATION AND NATURALIZATION SERVICES

LOS ANGELES AREA LEGALIZATION OFFICES

ANAHEIM	12912 Brookhurst Blvd. Garden Grove, CA 92640
EL MONTE	9660 Flair Drive El Monte, CA 91731
HOLLYWOOD	1671 Wilshire Blvd. Los Angeles, CA 90017
HUNTINGTON PARK	6022 Santa Fe Avenue Huntington Park, CA 90021
INDIO	83-558 Avenue 45, Suite 8 Indio, CA 92201
NORTH LONG BEACH	9858 Artesia Blvd. Bellflower, CA 90805
EAST LOS ANGELES	1241 S. Soto Street Los Angeles, CA 90023
NORWALK	7342 Orangethorpe Ave. Buena Park, CA 90621
OXNARD	400 S. "A" Street Oxnard, CA 93030
POMONA	960 East Holt Blvd. Pomona, CA 91767
RIVERSIDE	1285 Columbia Avenue Riverside, CA 92504
SAN FERNANDO	16921 Parthenia Street Sepulveda, CA 91343
SANTA ANA	1901 S. Ritchey St. Santa Ana, CA 92705
TORRANCE	555 Redondo Beach Blvd. Gardena, CA 90248
VAN NUYS	11307 Vanowen Street North Hollywood, CA 91605

Immigration and Naturalization Service
Los Angeles District

Summary Statistics as of 9/23/87 - IRCA

Receipts - FY 1987

Registry Cases	up about 6,000
Legalization	309,111
Special Agricultural Worker	17,751
Total:	332,862

All figures below are estimates

At present rate

6 month figures	367,192
1 year figures would then be	734,384
Expected applications by 5/5/88	700,000 (rounded)
Additional applications would be expected until 12/1/88 for Special Agricultural Workers.	
Expect 90% of these to apply for permanent residents (counting those applying by 5/5/88) with needs for language requirement less Registry Cases of 12,000. English requirement then would apply to	619,200
Assume that ¼ pass the exam without training & another ¼ go to schools other than the Los Angeles School District.	
Some students may have already gone to night school for English and U.S. history training, require training would be	309,600
Request training from the School District	154,800

With 2 years to accomplish the training, expect training capability need of:	77,400
Assuming that each teachers teaches 30 student classes and that each teacher teaches 3 classes and each student needs two classes, we would need	5,160 classes 1,720 teachers

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LOS ANGELES CA [illegible]
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ADMINISTRATIVE ASSISTANT

Senate

California Legislature

BILL GREENE
SENATOR
TWENTY-SEVENTH DISTRICT

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REVIEW OF THE MASTER PLAN FOR HIGHER EDUCATION
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FOREST AND RANGE LAND
GOVERNMENTAL EFFICIENCY
PROCUREMENT AND EXPENDITURE PRACTICES

September 28, 1987

The Honorable Augustus F. Hawkins
Education and Labor Committee
Chairman
House of Representatives
House Office Building
Washington, D.C. 20515

Dear Congressman Hawkins:

This hearing provides an excellent opportunity for you to learn constituent concerns with the Immigration Reform and Control Act of 1986 (IRCA).

The State Senate District I represent shares a boundary with Congressmember, Augustus Hawkins. I am sure we are both becoming more and more aware of the growing concerns in our district. I also chair the State Senate's Industrial Relations Committee which has made me aware of many broad issues which IRCA is surfacing.

The staffs of state and local public institutions who are expected to provide the necessary services in order to help individuals qualify for citizenship through IRCA are deeply concerned about the strain that is expected to be placed on their resources. In the case of this hearing you are accepting input on education related issues. Our local schools are already heavily impacted with persons interested in improving their ability to function in this country. Our adult schools have waiting lists of people who want to learn English. Once many of these people learn the language they take other courses to complete their eighth grade requirements and continue on to earn their high school diploma. Many also go on to learn an occupational skill and become contributing participants in our communities.

-over-

This type of educational participation has been the case even without an IRCA to serve as a stimulant. With IRCA the impact on local education providers will increase. The state senate district which I represent is one of the most heavily impacted areas in this state by the need for more education services.

I am pleased that you are reviewing the concerns of educators as they relate to the IRCA, and I urge your pursuit of enough resources to help all local providers offer vital services in our communities with the latest technology available.

Respectfully,

BILL GREENE
Member of the Senate
California Legislature
Twenty-Seventh District

BG:el

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ROOM 2037
STATE CAPITOL
SACRAMENTO, CA 95814
(916) 445-[illegible]

CALIFORNIA'S EDUCATIONAL NEEDS RELATING TO THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

Prepared for the

Committee on Education and Labor
United States House of Representatives
Augustus F. Hawkins, Chairman

September 28, 1987

This paper addresses several issues relating to the provision of educational services associated with the federal Immigration Reform and Control Act of 1986 (P.L. 99-603). Included are:

I. Educational requirements in P.L. 99-603 as they affect California, including a description of the population needing educational services;

II. State Legalization Impact Assistance Grant planning in California

III. California legislation enacted in respond to P.L. 99-603; and

IV. Educational issues related to State Legalization Impact Assistance Grant programs.

For your convenience, policy areas of particular interest to Congress have been underlined at the end of each section.

I. Educational requirements in P.L. 99-603 as they affect California

The Immigration Reform & Control Act (IRCA) enables undocumented aliens who have resided continuously in the United States since before January 1, 1982, and who cannot be excluded for reasons specified in the immigration bill, to apply between May 5, 1987 and May 4, 1988 for temporary resident status.[1]

It allows these temporary residents to apply to become permanent residents after 18 months if they can show (a) that they have continuously resided in the U.S. since the date they were granted temporary residence; (b) are admissible as an immigrant (i.e., that they have not committed crimes or have health problems); and (c) that they have "basic citizenship skills" (see below).

"Basic citizenship skills" is defined in IRCA as those skills required of a person who is petitioning to be naturalized as a citizen of the United States, and include the ability to speak English and a basic knowledge of U.S. history and government.[2]

Federal funding. IRCA appropriates $1 billion annually for four years for State Legalization Impact Assistance Grants (SLIAG) in §204 of the Act. The Act requires at least ten percent of each state's allocation to be spent in each of the three areas. IRCA requires that the definitions and provisions of the Emergency Immigrant Education Act of 1984 (P.L. 98-511) apply to any educational services which are provided.

These grants will assist states in funding educational, welfare and health services associated with the granting of amnesty to affected individuals. The funds are subject to an offset for federal costs and administration.

Funding available for federal fiscal year 1988 to all states is estimated to be $928 million, of which California will receive approximately $520 million. Local assistance funding for FY 1989, FY 1990 and FY 1991 is, of course, uncertain at this time. However, the best estimate is that California will receive an additional $430 million per year. Thus our total funding will be in the neighborhood of $1.8 billion.[3]

Population involved. The Department of Health & Human Services estimates there will be 3,335,000 individuals, called Eligible Legalized Aliens (ELAs), who will qualify for amnesty.

Of this number, 1,619,000 reside in California.[4] These individuals can further be classified as follows:[5]

Total eligible	1,619,000	
Age 5-18	226,670	14%
In-school	194,300	12%
Out-of-school	32,370	2%
Age 19-64	1,359,960	84%
Age 65+	32,370	2%

Most of California's ELA population is from Mexico. The estimated breakdown is as follows:[6]

Mexico	74.5%
Other Latin America	10.5
Europe/Canada	4.9
Asia	8.2
Other	1.9

Educational services needed. Most ELA children are enrolled in school. The exception to this is the estimated 32,370 school dropouts (over 40% of Hispanics fail to finish high school).[7] Under the framework provided by the Emergency Immigrant Education Act, funds may be provided for supplementary educational services, including E.S.L.; additional basic instructional services, and in-service training.[8]

The level of services needed is less clear for ELA adults. Some, perhaps many, are already enrolled in school.

A. English as a Second Language. The State Department of Education estimates that 491,539 adults currently receive English as a Second Language instruction in California, primarily in Adult Education and Community College courses. The wide range of languages spoken in E.S.L. classes illustrates the existing diversity of students enrolled in these courses:[9]

47%	Spanish	3%	Lao
7	Vietnamese	4	Chinese
8	Cambodian	1	Hmong
3	Korean	8	English
1	Tagalog	2	Other European
1	Portuguese	1	Arabic
4	Mandarin	2	Farsi
1	Japanese	3	Other
4	Cambodian		

The above data suggest that while Asian immigrants are highly represented in existing E.S.L. classes, Latin American immigrants are less well represented. This suggests that a disproportionate number of ELA adults will need to enroll in E.S.L. classes.

The number of E.S.L. classes has increased substantially in recent years (having a negative impact on offerings in other adult education areas, principally vocational classes): between the 1984-85 and 1985-86 years, average daily attendance in adult education E.S.L. classes increased by 10%.[10]

B. Citizenship. At the same time, almost no citizenship classes are being offered. In adult education programs, in 1984-85, only 9,527 adults were enrolled in citizenship classes.[11]

Thus a major expansion of services for adults will be needed in both areas to enable temporary residents to become permanent residents. The Los Angeles Unified School district reported last year that they turned away 40,000 adults who wished to enroll in E.S.L. classes. This year, L.A.U.S.D. had 6,517 people on their E.S.L. waiting list as of 1 P.M. September 11; by the following Monday they expected the number to double, and by Tuesday, to double again.[12]

II. SLIAG planning in California

A. Cross-jurisdictional cooperation. Like most federal laws, P.L. 99-603 allocates funds "to states". California's administrative structure is patterned like the federal system: it has a Department of Education and a Department of Health and Human Services. Normal administrative activities relating to federal programs are conducted within the purview of each agency. Yet SLIAG funding comes to California, and to other states, in a form which necessitates that decisions about program scope and magnitude be made across these two agencies. It is particularly troublesome here, where we have two different Constitutional officers, the Governor and the State Superintendent of Public Instruction, responsible for developing two different sectors of the SLIAG plan. To expect these two agencies impartially to divide $520 million in the coming budget year and an estimated $1.8 billion over four years is, in the eyes of some, optimistic.

The development of SLIAG plans in California would be facilitated by clarification of Congressional priorities for the use of these funds.

2. Ties to EIEA for educational services. There is a second area of concern. P.L. 99-603 stipulates that educational programs developed with SLIAG funding be developed using the "definitions and procedures" of the Emergency Immigrant Education

Act. Among the definitions in EIEA is one regarding EIEA-eligible children. It says, "The term 'immigrant children' means children who were not born in any state and who have been attending schools in any one or more States for less than three complete academic years."[13] The Legislature, and particularly the Joint Committee, is concerned that this provision may be used to exclude many eligible children, particularly as it is interpreted by the rules developed by Health and Human Services (see below).

Because EIEA programs are designed to serve newly-arrived children and SLIAG education programs are designed for individuals, most of whom are adults, who have been residents at least since January 1, 1982, Congress may wish to modify some of the EIEA provisions as they apply to SLIAG educational programs.

III. California legislation enacted in response to P.L. 99-603

The Governor has assigned responsibility for developing the SLIAG plan to the Health and Welfare Agency, which last spring formed a task force of affected individuals (including representatives of the Legislature, the two departments, county personnel, and ELA advocate groups). This task force developed a series of priorities at the beginning of the planing phase. At this time, however, no draft state plan has been circulated.

To provide ongoing oversight, policy direction and coordination the Legislature has turned to its Joint Committee on Refugee Resettlement, International Migration and Cooperative Development (Senator Torres, Chairman; Assemblyman Areias, Vice-Chairman). The Joint Committee has held four hearings and developed considerable expertise in the problems associated with the legalization of affected individuals and the development of a plan for SLIAG funding. Senator Torres, in addition, has carried several pieces of legislation in this field.

Perhaps most significant of these is SB 1583, This bill requires California's State Superintendent of Public Instruction to develop a test which will determine whether Eligible Legalized Aliens are sufficiently proficient in English, history and government as required in P.L. 99-603 to enable ELAs to attain permanent status. As of yet, the Immigration and Naturalization Service has not indicated whether it will recognize the results of such a test. Since the importance of this bill to affected individuals can hardly be overemphasized, approval of the test by INS would be significant.

SB 1583 also appropriates $2,789,000 for the purpose of contracting for legalization services and providing technical assistance to nonprofit legal service providers. These funds have been appropriated following the determination that local voluntary groups have enormous backlogs. Without this supplementary funding, many otherwise-eligible individuals will fail to qualify for amnesty solely because of workload.

In an effort to establish a coordinating framework for the development of the plan, the Legislature established a Commission on Immigration in AB 2323 (Areias). Six of the Commission's eleven members would be appointed by the Governor and five by the Legislature. The Commission would be responsible for planning for the implementation of P.L. 99-603, including the development and submission of a timely application for SLIAG grants.

SB 192, by Senators Torres and Petris, is designed to strengthen existing prohibitions against various unethical practices by immigration consultants.

As of September 17, these three bills await the Governor's signature.

In addition to the above, the Legislature included several items relating to SLIAG funding in language accompanying the budget. These include (a) the establishment of a data collection system; (b) requesting that the SLIAG state application and expenditure plan be submitted to the Legislature, including the Joint Committee on Refugee Resettlement, International Migration and Cooperative Development, by August 15, 1987, prior to its submission to the United States Department of Health and Human Services; (c) asking for coordination with Department of Developmental Services and Mental Health programs; and (d) requesting that the Department of Finance include in the 1988-89 budget a discussion of the effects of IRCA on state and local programs.

The above efforts indicate the depth of the Legislature's concern that all affected individuals receive amnesty and that the state plan for SLIAG services be developed to provide services maximally designed to help these individuals. However, as indicated at the outset, the need for coordination across agencies, and the lack of Congressional direction about the funding needed in the three areas, hamper California's ability to develop the SLIAG plan.

IV. Rules proposed by the Department of Health & Human Services relating to SLIAG funding

Legislative concern regarding rules proposed for SLIAG funding (52 FR 30194 et seq.) can hardly be overstated. On September 11, 1987, Senator Roberti, Senator Torres, Senator Petris, Senator Watson and Senator Hart submitted extensive comments on the proposed rules. Their letter is included as an appendix. The issues relating to education are as follows:

1. The preamble suggests that ELA children will be excluded from services if they have been in school for three years. H&HS rules make this stipulation based on the definition of immigrant children contained in the law. To quote from the Members' comments,

This proposal is unworkable. Approximately 225,000 of the 1.6 million Californians eligible for legalization are children. Virtually all of these children will be ineligible to receive educational services under [the] proposed regulations. It was surely not the intent of Congress to exclude all eligible legalized aliens who are children from educational services. This is clear from various records associated with the enactment of IRCA.

. . . .

To incorporate the three-year requirement used in EIEA to define program participants in a fashion which serves to exclude children from services which will lead to their assimilation into society violates the intent of IRCA. (Writers of these regulations evidently sensed this when they excluded adults from the three-year limitation. It is no more logical to exclude children who have attended school for three years than it is to exclude adults; the inconsistency in handling the two groups illuminates the inappropriateness of excluding ELA children who have attended school longer than three years).

Congressional assistance in rectifying this misunderstanding on the part of Health and Human Services will ensure that all eligible children can receive services.

2. Clarification is needed that the funding mechanism for educational services operates, as with EIEA, as a "cap" on total educational SLIAG funding rather than on the services which any individual can receive.

The Emergency Immigrant Education Act, upon which SLIAG educational provisions are based, is funded by multiplying $500 times the number of immigrant children, subtracting refugee funds, and then pro-rating the remainder over the population of children served. This is a reasonable and equitable funding procedure, and one which Congress appropriately designated to be used for SLIAG-funded educational programs. However, language contained in the preamble and in the rules themselves make it unclear whether the Department of Health and Human Services will disapprove state plans that include some (not all) educational programs that cost more than $500 for participating ELAs.

Correct application of EIEA provisions results in the $500 annual limit being placed on the total number of individuals. This is advisable on policy grounds, not only because it reflects the intent of Congress, but because it permits flexibility and efficiency while ensuring that program participants have an opportunity to acquire the English-language and other skills they need to become assimilated into American life. Too, inasmuch as there will be no audit trail to the individual student, a $500 per-individual cap cannot be enforced.

In their comments, Legislators have recommended that Health & Human Services clarify that the $500 figure is to be used as a cap on the educational services provided to all individuals, not to any individual. Congressional action to ensure that this is accomplished would be welcomed.

The foregoing comments are offered in the hope that mutual efforts will enable California to provide the best possible educational programs for Eligible Legalized Aliens.

The interest of the House Committee on Education and Labor, and particularly of its Chair, are deeply appreciated.

Footnotes

[1] PL 99-603§201; 8 U.S.C. 1255, Sec. 245A.

[2] Immigration and Naturalization Service regulations (8 CFR Ch.1, Part 312.1 and 312.2) provide (a) that the ability to speak English shall be tested by excerpts from one or more parts of the Federal Textbooks on Citizenship written at the elementary literacy level, and (b) that knowledge of the history and government of the United States shall be given in English and shall be limited primarily to subject matters covered in the Federal Textbooks on Citizenship.

[3] These estimates are based on a September 4, 1987 count of applications. California had 345,400 applications, 54.2% of the 637,590 total. California's costs are somewhat higher than those of the average state, so we will receive an estimated 56.1% of the funds available. Estimates for FY 89, FY 90 and FY 91 are based on an estimate of $800 million in each of these three years being available to states. The author is indebted to Mark Tajima, Legislative Analyst, County of Los Angeles, for assistance in constructing these estimates.

[4] These numbers are published in the proposed rules issued by the federal Department of Health and Human Services (52 FR 30211).

[5] These percentages are taken from a July 24, 1987 memo from Gail ImObersteg, California State Department of Education, to Mark S. Helmar, Assistant Secretary, Health and Welfare Agency.

[6] Elizabeth Hoag, Population Research Bureau, California State Department of Finance, oral communication, 5/21/87. Estimates based on data from the 1980 Census, as adapted.

[7] Senate Office of Research, Invisible Citizenship: Adult Illiteracy in California. A Special Report on Adult Illiteracy to Senator David Roberti. March, 1986.

[8] P.L. 98-511, Title VI, §607.

[9] California State Department of Education, Adult Basic Education application.

[10] California Basic Education Data System data.

[11] Ibid.

[12] Domingo A. Rodriguez, L.A.U.S.D., testimony to the Joint Committee on Refugee Resettlement, International Migration and Cooperative Development, Sacramento, September 14, 1987.

[13] P.L. 99-511, Title VI, §602(1).

National Association of Latino Elected and Appointed Officials
...and the people who support them

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STATEMENT OF HARRY PACHON, NATIONAL DIRECTOR
NATIONAL ASSOCIATION OF LATINO ELECTED AND APPOINTED OFFICIALS
BEFORE THE COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
FIELD HEARING ON IMMIGRATION AND EDUCATION
LOS ANGELES, CALIFORNIA
September 28, 1987

Mr. Chairman and members of the committee, the National Association of Latino Elected and Appointed Officials (NALEO) appreciates the opportunity to present comments on the Immigration Reform and Control Act's (IRCA) legalization program's second step, when the temporary resident applies for permanent residence.

While attention is currently being focused on the initial phase of legalization, Congress and the Immigration and Naturalization Service (INS) still have the opportunity to make critical and necessary adjustments to the second step of amnesty that would make it fair and equitable for all applicants.

To successfully pass the second step, applicants will be tested by the INS to determine if they have a basic command of English and civics -- a requirement similar to the current naturalization process. A second option available to applicants is to enroll in a recognized course of study to obtain these skills instead of being tested by the INS.

While some applicants will have no problem passing the examination, an overwhelming majority will need to take English-as-a-second-language (ESL) and citizenship classes. Research has shown that 20 percent of illiterate adults in the United States are immigrants who have arrived in the past six years and that an estimated 77 percent of Mexican immigrants have no reading ability in English. These people will need classes, and this is where the problem lies.

In many areas, such as California, Texas and Washington, thousands of people are waiting to get into ESL classes. These ESL backlogs exist despite the fact that a majority of legalization applicants needing classes have not yet enrolled. When amnesty applicants become aware of the second-step requirements, the ESL backlogs will become more severe.

708 G Street, S.E.
Washington, D.C. 20003
(202) 546-2536

1114 S. Lorena
Los Angeles, CA 90023
(213) 262-8503

Without enough classes, the terrible reality could be that some people will not receive permanent residence status. NALEO is working with community-based organizations, public education representatives, elected officials and other interested parties on this matter. In these meetings, a recurring message has been heard: more resources are needed.

IRCA provides State Legalization Impact Assistance Grants (SLIAG) to help offset some of the costs associated with the amnesty program. While the SLIAG money will help, it is not the complete solution. To prepare an applicant for the English portion of the test, educators agree that it costs approximately $1,000 to $1,500 for each student. SLIAG, however, places a cap of $500 per student.

NALEO sees two issues that Congress should address within the next few months:

1.) Providing a sufficient amount of money to educate eligible legalization applicants in basic English and civics, and

2.) Helping state and local governments in developing more ESL classes

The creation of more ESL classes has significant benefits for all of society. These classes will help legalization applicants, as well as continuing to be of value to refugees and current U.S. residents who need literacy assistance.

Not all permanent residence applicants will be enrolling in classes. Applicants also have the option of taking an oral test before an INS examiner, and some will choose this route. This process, modeled after the current naturalization exam, takes place in the context of a private, one-on-one interview between the examiner and the applicant. During the short interview, the applicant is asked approximately six questions that are designed to test his/her knowledge of English and civics.

While this process has generally worked for naturalization, there is a serious weaknesses that NALEO has documented.

There is no standardized range of questions to be asked during this test. Because of this, NALEO has documented some testing abuses -- with examiners asking questions that have nothing to do with being a U.S. citizen. For example, applicants have been asked: "Who won the 1967 World Series?"; "Who was the sixth president of the United States?"; or, "How many Pilgrims landed on the Plymoth Rock?"

Mr. Chairman, there are solutions to these problems. NALEO recommends:

1.) Support the proposed English Proficiency Act, which would provide needed money for ESL classes

2.) The INS should develop a list of approximately 100 study questions that could be used by applicants when preparing for the oral exam, or at least limit its questions to those printed in the Federal Textbook, and

3.) People who are on waiting lists to enter necessary classes be temporarily waived from the English and civics requirement of legalization until they can pursue their studies

Once again, NALEO appreciates the opportunity to submit comments on the educational aspects of legalization.

Bilingual Education - - A Personal View

Sally Peterson, President
LEAD (Learning English Advocates Drive)

In the last few months there has been so much written about the bilingual program in California. I will try to share my experience in this program and how it has affected my life. This has been the most challenging mental and physical venture that I have ever attempted. I have never been involved in activism nor am I a politician or a skilled interpreter of the law.

I have been employed by the Los Angeles School District (LAUSD) for the last 24 years and teach third grade at Glenwood Elementary School in Sun Valley. It has been a privilege to teach children of all races and to help them to reach their potential. While working with brothers and sisters and their parents, we experienced a special bond and pride in our shared task. I have been involved in my school and community and consider it to be my second home. I must impress upon you that I am a person whose life revolves around her family, friends, PTA, baseball, and the school and students that I teach.

During these many years the LAUSD has tried a variety of approaches to education. We would embrace the new theory (willingly or unwillingly!) and work to implement that approach. On many occasions it was obvious that an approach was unsuccessful and it would be changed or dropped. This was a part of the continuous challenge of teaching and we would adapt and change our skills to meet the student needs.

As a result of federal and state laws and the Supreme Court decision, bilingual education was mandated to address the special needs of the non-English student. California chose to set up Transitional Bilingual Education (TBE). Whenever there were 10 children in a grade level that were non-English speaking, they would be taught in their native language until they successfully passed tests and could exit into English instruction.

In 1981 I was assigned to a bilingual class and worked very hard to implement the rules. I signed a waiver which is an agreement to learn the culture, methology, and the written and oral language of my students and to pass tests set up by the state. I took classes to be more effective and tried to make the program work. I thought this would be a wonderful opportunity for all children to learn 2 languages and to promote an understanding of all cultures.

I observed that due to the criteria for exiting the program, many children were unable to transition into English instruction. Those that did were often delayed from 3 to 5 years in English development. These were the same children who in the past I had helped, nurtured, and immersed in English. They were now locked into native language instruction. My Spanish speaking students who make up the largest non-English speaking group in Los Angeles, were learning in Spanish and almost all other nationalities were learning in English. They only received ESL (English as a Second Language for 20 minutes a day. In TBE the emphasis is focused on native language instruction. The goal should be to honor and cherish their native language while developing English fluency.

I relayed my concerns and tried to work through the school system. My frustration increased as my right to dissent was denied. When I questioned the effectiveness of TBE I was criticized and accused of not caring for my students. I was told that I was just too lazy to implement the program correctly and that my views were "Racist." Many other teachers have been intimidated and threatened, and they express the fear of speaking out. I feel that by the use of "name calling", the opposition has maintained program control. I also feel that a "cover up" of the real facts exists. The public and politicians hear what the self-vested interest groups want them to. When I relayed my concerns to the school district officials, I was told that they were possibly occurring at a single school site and that I was unknowingly promoting racism. I feel that a very small but powerful and vocal bilingual lobby has caused great harm to the advancement of bilingual education in this country with significant political impact. As a result, TBE continues with no forum for constructive criticism or improvement.

Parents would continually ask at a conference, "When will my child learn in English?" I would explain that after their child passed certain Spanish tests they would begin English instruction. The parents accepted my explanation since they respected my position as a teacher. Eventually it became very difficult to defend this program to the public. As educators we felt that we were being loyal employees who were trying to work through the system to voice legitimate concerns, yet our "bosses" rejected them.

TBE programs require that one-third of the students must be fluent in English. This creates a situation where fluent English speakers of all nationalities are losing valuable classroom instructional time because of the emphasis on native language instruction.

The waiver system is also flawed. I agreed to the waiver system until it was obvious that it only focused on native language development which prevents the accomplishment of the program's goal of developing English fluency. I felt that the waiver and TBE were then conflicting with my professional ethics and was not in the best interest of the program. It has now become a form of blackmail in that all new teachers are required to sign a waiver as a condition of employment. The new teachers are experiencing early burnout because of credential and waiver requirements. When LAUSD was threatened with funding cuts they started displacing teachers and moving them to other schools. This is wrong. I feel that all teachers should be encouraged to study the background and language of their students but not to be punished because they want to be the English speaking role-model for them. Another aspect of the waiver problem is that the tests given are so difficult and biased that many native speakers cannot pass them. There is a commission now in Sacramento that is investigating the problems of the tests.

Last semester our principal announced that over half of our staff would be displaced because we had failed to meet the waiver requirements. This situation coupled with the fact that TBE fosters continual isolation of non-English speaking children, denies them a chance to compete in a society based on English language, and forces teachers to leave a local school site, could not be tolerated any longer. Our self respect demanded that we take a stand.

On March 16, 1987 my life and that of some very dedicated friends took on an entirely new direction. We made a commitment to attempt to bring about bilingual reform. Whether we succeed will depend upon the will and mandates of the parents, teachers, school board, and community members. LEAD (Learning English Advocates Drive) was formed as a result of our fruitless efforts to be heard. It was an opportunity to unite with parents and teachers to formulate a better bilingual plan.

After researching the law, it was time to write the proposal. This was the most difficult step to take. We were writing a plan that was contradictory to the school district's position. This action threatens all of the deeply implanted roots that are developed after years of being a district employee.

The LEAD English based Immersion Bilingual Program states:

> The primary goal is to effectively and efficiently develop fluency in English for all boys and girls. We recognize the child's primary language and culture and would promote cross-cultural understanding. This would be accomplished with an Immersion program in English which would include intensive ESL (English as a Second Language). Bilingual aides would offer native inaguage assistance. This would create an orderly transition to English language fluency. A second language could be offered for enrichment for all students in Chinese, Farsi, German, Korean, Spanish, etc., if the local site had the resources. Teacher waivers would be eliminated.

Armed with telephones and school lists we started setting up contacts at each school to explain our goals and to solicit members. The response has been phenomenal. Our membership grows daily and includes parents and community members. A LEAD chapter was formed in San Francisco and several other cities are ready to start. Merlinde Brown the president of San Francisco LEAD chapter is dedicated to our cause.

Our members helped to send 5000 postcards and lobbied legislators to encourage Governor Deukmejian to veto bill AB37 which would have extended TBE until 1992. In June the bilingual bill sunsetted in California as a result of the governors veto. This will now allow all of the funding to remain but gives flexibility for various bilingual programs to each local district.

The official position of UTLA (United Teachers of Los Angeles) was in support of TBE. I was hearing from hundreds of teachers that the program just didn't work. Although we has growing concerns, UTLA did not initiate any action to challenge TBE. In desparation we gathered signatures from UTLA members for a referendum that would require a vote on the union position. The Chicano Education Committee within the union was very upset with us and accused us of trying to destroy the union. We were merely exercising our democratic right as members to bring forth an idea and to let the members decide.

We held a rally at the board of education on June 8, 1987. Some of the board members became very angry and told us we were unprofessional and that we should be ashamed of ourselves. Their rejection and insensitivity was inexcusable. When I requested and received an audio tape of this meeting. I was amazed to note that it did not include the verbal attack.

On July 8 we held a "Think Tank" meeting in Sacramento. We had a press conference, ended the Senate Education Hearings, and met with legislators to lobby our cause.

In late July our referendum and one from the opposition was voted on and the results were announced on August 11 that the LEAD English Immersion Bilingual Plan won. The vote was 78% in favor and 22% opposed. The other plan, which even included an offer of financial rewards as tests were passed, was defeated. 8,000 members voted which was an incredible turnout and victory for a summer election. This was comparable to a general election return.

Much of the media coverage has been biased in favor of TBE and this is reflected by the editorial policy of their papers. I always thought if you wanted your views to be known you simply wrote a letter to the editor. WRONG! The media can print whatever they want to and they have chosen to dwell on the waiver issue and their erroneous impression that we want to eliminate all bilingual education. This is absolutely false. We want a bilingual approach that works. For those who feel that our plan would not work for them, there is the right to apply for plan variations. The people on both sides of this issue are deeply dedicated to their ideas, but a compromise must be reached.

This has become a political party line issue. We need reform and it should be approached as an educational problem. District flexibility is favored by most but even though that is now possible. LAUSD is insisting it will continue with TBE. Bilingualism is wonderful but our first responsibility is to achieve English fluency.

I feel that the state and national teacher unions should reflect the mandates of its members. I wonder if the leadership is reflecting the feelings of the rank and file member? Is there a need to poll the membership?

There are so many abuses in TBE. Parents are coerced into keeping their children in the program. The people responsible for mandating this plan, including many self-serving interest groups. are so one-sided on the issues. The power that they exert denies our basic right to create change. It upsets me that so much money is used to develop native language at the expense of their English language development. We request that the money be spent on the children instead of lining the pockets of the textbook companies who are reaping the benefit of this thrust in other languages. An entire industry has been created as a result of the waiver requirement, i.e., classes, review courses, textbooks, test fees, etc. It is particularly upsetting to me to know that the State Bilingual Education Office has slated TBE to be moved to the junior and senior high level.

In writing my personal reflections it wouldn't be complete without some special thank yous. My fellow teachers Gail Fiber, Lucy Fortney, and June Frankenberg have in their dedication helped LEAD to become a positive force for education. I respect my principalk Mr. Art Chandler for allowing me to exercise my right to challenge the system. Our PTA and Advisory Council President, Mrs. Gloria Soto has worked tirelessly to make inroads in the PTA. Of course, I couldn't have undertaken this task if I didn't have the support of my husband, Jerry and my children Mike and Kathy. They have put up with the demands of this effort and have tolerated a wife and mother who never stays home, talks by the hour on the phone and is always too tired to cook dinner. I thank God that I have their love and encouragement.

We are still observing the continual isolation of non-English speaking children and as a result they are denied their chance to compete in a society based on the English language. Statistics are continually quoted and can be slanted to prove whatever you want them to. The studies are not able to prove which method is the best. But I do know that our drop out rate grows, students can't read in English, parents are frustrated and teachers are forced to implement a program that is unsound. I will no longer participate in TBE and feel that I can speak for many, many educators who want a change. I appreciate the assistance of my aide, but I should be the primary educator of my students. Los Angeles has the ability to be the trend setter for all school districts. If a new direction is achieved in Los Angeles, the entire state of California may have the courage to follow.

Our future plans include lobbying the school board members and legislators in Sacramento In addition, we are planning to poll the teachers throughout California and a state referendum is being researched.

My daughter has always expressed a desire to work at "My School" when she becomes a teacher. It saddens me that she will be unable to do so unless she agrees to teach in another language.

The battle is far from over, but the future will be full of challenges. People say that you can't change the system, but I honestly believe that with the help of parents and teachers, we can make a difference. We won a union vote that many said was impossible to do. We must stand up and demand a bilingual program that will foster English development. I FEEL THAT CHILDREN HAVE A RIGHT TO LEARN IN ENGLISH AND THAT TEACHERS HAVE A RIGHT TO TEACH IN ENGLISH! LET YOUR VOICES BE HEARD.

LEAD (Learning English Advocates Drive)
P.O. Box 3084
Burbank, Calif. 91504
Phone 818 843-6263

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TELEPHONES
MAJORITY—(202) 225-4527
MINORITY—(202) 225-3725

December 16, 1987

Mr. Norman L. Thompson, Chairperson
IRCA Implementation Task Force
Family Support Administration
330 Independence Avenue, S.W.
Room 5627
Washington, D.C. 20201

Dear Mr. Thompson:

As original drafters of the State Legalization Impact Assistance Grant provisions of the Immigration Reform and Control Act of 1986 we have the following concerns about the interpretations given key elements of these grants as reflected in the notice of proposed rulemaking of August 13, 1987.

Our first concern is the definition of "eligible legalized alien", as reflected in the proposed regulation as it relates to the provision for educational services. 52 Fed Reg. 30194 (1987) It is an obvious attempt to narrow the population to be served by these grants. This attempt is a clear misreading of the statute and the legislative history.

Section 204(c)(1)(C) of P.L. 99-603 provides that .... "[o]f the amounts allotted to a State under this section, the State may only use such funds, in accordance with this section - to make payments to State educational agencies for the purpose of assisting local educational agencies of that State in providing educational services for eligible legalized aliens." Paragraph (3) of that subsection provides further that "[t]o the extent that a State provides for the use of funds for the purpose described in paragraph (1)(C), the definitions and provisions of the Emergency Immigrant Education Act of 1984 (title VI of P.L. 98-511; 20 U.S.C. 4101 et seq.) shall apply to payments under such paragraph in the same manner as they apply to payments under that Act, except that, in applying this paragraph - (A) any reference in such Act to "immigrant children" shall be deemed to be a reference to "eligible legalized aliens" (including such aliens who are over 16 years of age) during the 60 - months period beginning with the first month in which such an alien is granted temporary lawful residence under section 245A(a) of the Immigration and Nationality Act;..." (emphasis added). It seems clear on the face of the statute that when applying the EIEA to IRCA that the IRCA definition of "eligible legalized alien" was to be used in place of the EIEA term "immigrant children." The report of the Committee on Education and Labor is absolutely clear on this point:

> "[t]he seventh amendment offered by Congressman Goodling, is an amendment to section 204, the State Legalization Assistance section. This amendment had three major provisions. First, it made a cross reference to the provisions of the Emergency Immigrant Education Act, P.L. 95-561, for the purpose of administering and making payments under the educational assistance portion of this bill. Under this amendment, the provisions and definitions of the Emergency Immigrant Education Act will apply to this new assistance, except that the new assistance will be targeted on eligible legalized aliens as defined in H.R. 3810." (emphasis added) H. Rept. 99-682, Part 2, 99th Cong. 2nd Session, at 17 (1986).

H.R. 3810 is the Immigration Reform and Control Act not EIEA. Again, on the following page of the Committee report it states, "[t]o assist these agencies in complying with this provision, the Committee encourages the INS to provide educational agencies with listings of eligible legalized aliens (as defined under the bill)"....(emphasis added). Again it refers to "as defined under the bill" meaning (IRCA). If the Committee had intended to use the definition of "immigrant children", it would have said as under the Act.

Since this provision did not change in the final enactment, it seems clear that the Committee and Congressional intent was that the IRCA definition of "eligible legalized alien" be the measure of the potentially eligible populaton, and not the more restricted "immigrant children" definition.

The preamble to the proposed regulation clearly attempts to limit the definition of "eligible legalized alien" by the definition of "immigrant children" of EIEA. It states on page 30197, column two, under "Limitation on Use of SLIAG Funds" that "[s]ection 602 and 607 of the EIEA, as incorporated in the Act, limit the use of SLIAG funds to eligible legalized aliens, regardless of age, who are enrolled in primary or secondary schools, *who were born outside the United States and who have attended school in this country for fewer than three full academic years.*" (emphasis added) The underscored is from the definition of "immigrant children" and this section was specifically *not* incorporated as explained above. It is our hope that any reference or application to "immigrant children" be deleted from these regulations consistent with clear Congressional intent.

Second, regarding the Federal allotment to each state, under Section 204(b) the statute requires that States determine their actual expenditures which they are likely to incur in providing assistance for eligible legalized aliens (ELA). One of these entitled areas is providing educational services. Sec 204(c)(1)(C). We see no statutory authority for limiting the State's initial estimated expenditures for providing educational services for ELAs other than section 204(f). In otherwords, the $500 cap is not applicable at this point. Subsection (f) would then reduce the federal allotment to a State to the extent that the costs are otherwise reimbursed or paid for under other Federal programs. For example, if a state includes the cost of bilingual education in its estimate for those eligible legalized aliens and if it receives a Federal bilingual education grant which serves these same students, then the State's SLIAG grant from the federal government should be reduced by the amount expended for those ELAs. Contrary to our intention in the statute, it appears in the regulations that you intend to invoke the $500 dollar limitation on the amount of reimbursable education expenditures initially made from the Federal government to the State. A careful reading of the statute indicates clearly that the $500 dollar limitation is to apply only to the division of funds between the three areas within the State, and only after the determination of the overall state allotment has been made, Sec. 204(c)(3).

Third, once the funds are allocated among the States, then Section 204(c)(3) would require that the provisions for the Emergency

Immigrant Education Act of 1984 (EIEA) apply to a State's allocation. This Act then limits States to allocating no more than $500 dollars for educational services to each ELA. The Emergency Immigrant Education Act of 1984, Sec. 606(b).

Fourth, the only allowable reduction in the $500 amount is a requirement that this amount be reduced by the amount made available under other Federal laws which: 1) are for the same purpose as those available under the Emergency Immigrant Education Act, and 2) such funds are made available specifically because of the refugee, parolee, asylee, or other immigrant status of the individual. There was never an intention to reduce the $500 dollars by each and every Federal dollar that the State receives that could possibly duplicate the broad set of educational services authorized by subsection 607(b) of the EIEA.

Fifth, the preamble provides on page 30197 for an exception to the provision that SLIAG funds may be used only for costs incurred in FY 1988, that would allow a State to use SLIAG funds to reimburse otherwise allowable costs incurred in fiscal year 1987, for providing public health assistance. Clearly, there is no statutory authority for such an exception and the Act is clear that such funds were to be available only for "fiscal year 1988 and for each of the three succeeding fiscal years." In fact, the Conference Committee compromise specifically dropped expenditures for 1987. The House passed bill provided such sums as may be necessary for fiscal year 1987 and for each of the four succeeding fiscal years, while the Senate's authorization would not have triggered until the fiscal year in which the application period ended. The Conference in exchange for an actual immediate appropriation pushed the fiscal year date ahead. In addition there is no rule of construction that would permit such a misreading of the statute language. The conference agreement is clear, "[t]he conference substitute provides for an immediate appropriation of $1 billion for each of the four fiscal years beginning in 1988 and ending in 1991." H. Rept. 99-1000, 99th Cong. 2nd Sess., at 73 Oct. (1986) The regulation stands in direct contravention to this statutory language; the effect of which is to alter severely the expenditure distribution between the three designated purposes.

Sixth, the regulations are inconsistent on whether SLIAG funds are available for the costs of basic instruction. Page 30200, Col. 1 seems to indicate the costs of basic instruction are not coverable expenses, while language on pages 30196 (col. 3) and 30197 (col. 1 and

2) indicates clearly that they are. The later cited pages clearly reflect the Committee's intent to cover these basic costs and was one of the reasons the EIEA was incorporated.

We sincerely hope that the final regulations will reflect these corrections.

Sincerely yours,

Gus Hawkins
AUGUSTUS F. HAWKINS
Chairman
Committee on Education
and Labor

Bill Goodling
WILLIAM F. GOODLING
Ranking Minority Member
Subcommittee on
Elementary, Secondary, and
Vocational Education

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